

מדינת ישראל

משרדי הממשלה

משרד

197/18

ליו, מ, מ

כרם ימין

1936

מס' תיק מקורי

מדינת ישראל
ארכיון המדינה

197/18



שם תיק: הנרי כתר - רצח יהודים במאורעות 1936

פ-197/18

מזהה פיזי

תאריך הדפסה: 15/03/2017

מזהה פריט: 0010101

כתובת: 2-112-8-2-7

01/04/2008

02-112-08-02-07

כתובת:

מחלקה

29/10/36.

In the Supreme Court,
Sitting as a Court of Appeal,
Jerusalem.
through the District Court Jaffa.

In the Appeal of:

Youssef Hassan Kandel:
AND
The Attorney General :

APPELLANT.

RESPONDENT.

Jaffa Cr. Assize Ct. 25/3

Appeal is hereby made against the judgment of the Court of Criminal Assize, Jaffa whereby Appellant was on the 21/10/36 convicted under Art. 170 O.P.C. and sentenced to death, on the following grounds.

- 1) There was not sufficient evidence to justify the Court that the Appellant had any connection with the killing of the two deceased.
- 2) There was no evidence on which the Court could find the accused guilty under Art. 170 of the O.P.C.
- 3) Evidence was wrongly admitted before the Court of trial.
- 4) There has been irregularities of procedure.

WHEREFORE it is prayed that the appeal be allowed and the conviction quashed.

COUNSEL FOR APPELLANT.

11. Perhaps not

1936

YOUSSEF

KANDEEL

A - G.

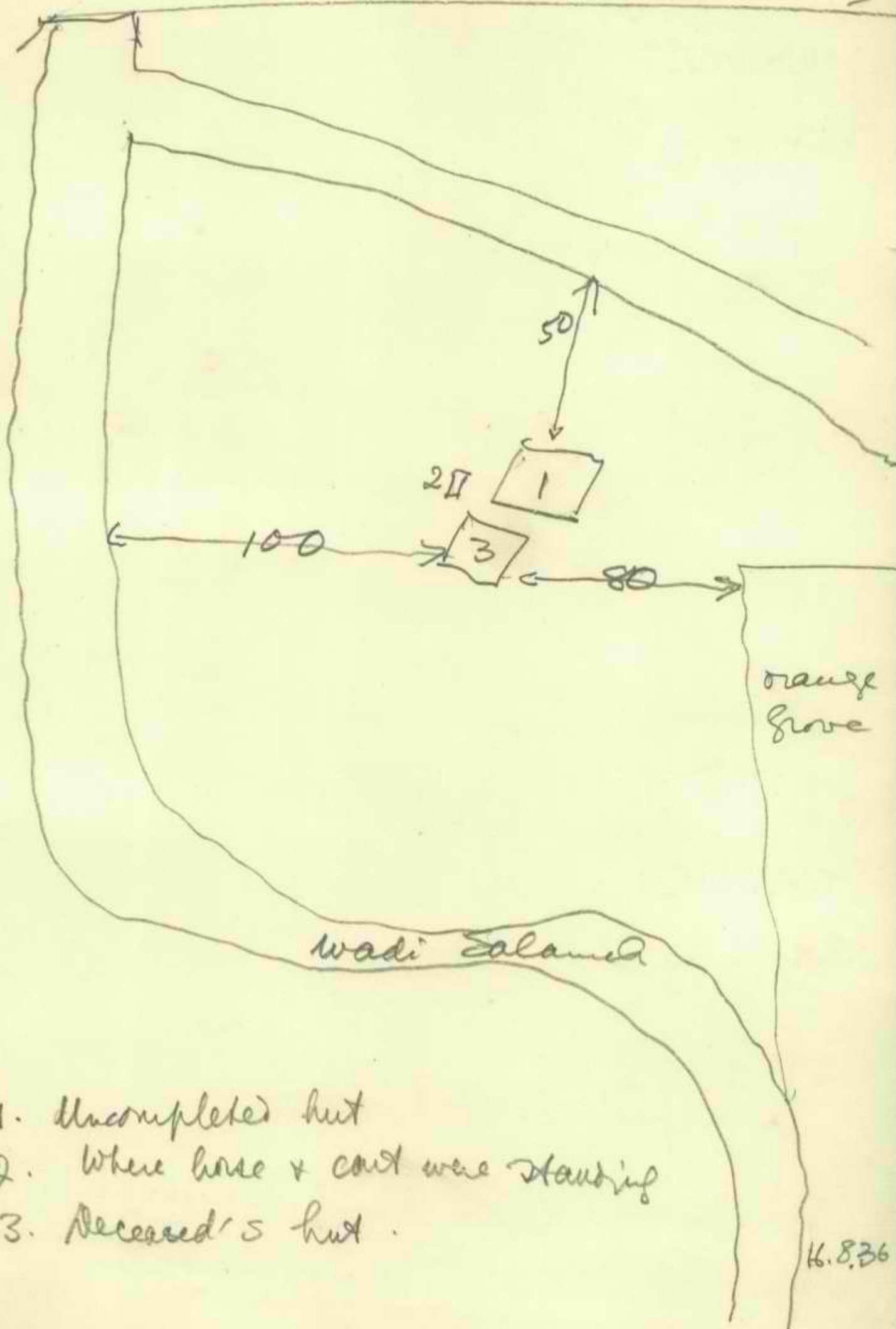
10-11-36 : Pleadings before G.A. Judgment reserved. -

19-11-36 : Judgment:

Inequality at onset of proceedings. Charge is under Art. 170 of O.P.C. Refers to information. Charged with two offences in same information. Inequality not likely to cause injustice. Mr. Callan directed argument at inequality at end of proceedings. Close of proceedings. Ct after postponing decision reopened proceedings. The S.G. argued that had App. counsel been present, he would not have done anything. In my view, the procedure is calculated to cause injustice. Further Mr. Callan shows if there is doubt the Ct cannot call evidence to resolve doubt after decision to give judgment. Mr. Callan cited case of R. v. Hardie. I agree with S.G. that case is not in point. Each case must be decided on its own merits. In the present case, evidence concluded. It is a fair inference that Ct not prepared to convict otherwise there was no necessity to call for evidence. In this case, the discretion on the wrong borderline. I do not propose to discuss the other ground as to evidence. Conviction quashed. Appellant acquitted. Crim. Appeal 5/36.

229

← Tel Awir Salameh Rd Hatikva →



1. Uncompleted hut
2. Where horse & cart were standing
3. Deceased's hut.

16.8.36

IN THE COURT OF CRIMINAL ASSIZE SITTING AT JAFFA.

BEFORE :- His Honour Mr. Justice R. Copland.
His Honour Judge B.V.Shaw.

IN THE CASE OF :-

The Attorney General

v.

Yusef Hassan Kandeel

CHARGE :- Murder with Premeditation, contrary
to Art.170, O.P.C.

For Prosecution :- Solicitor-General.

For Defence :- Mogannam.

Adjourn to Tuesday, 20th.

Resumed 20th October.

PLEA :- N.G.

Wit.

Julian Caspar. Sworn.

Dr. of Medicine. Pathologist. 20th April last
examined body of Selig Levinson. Son identified body later.
Shot wound, entrance right posterior side chest: exit wound
left side chest: same bullet went through upper part left arm.
I believe a rifle bullet. Found parts of bullet in left
arm in bone. Gave them to Police. Bullet penetrated right
and left lung and breast. Heart ruptured. Cause of death
injury to heart - large vessels torn.

Also examined body of Shlomo Morrison same day.
Photo taken and son of Levinson identified body to me from
photo. Photo produced "A". No.5 is Levinson. No.3 is
Morrison. These are the two persons I examined. In
Morrison, shot wound right upper arm penetrated into body:
fractured several ribs: on back found operations wounds. Cause

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of death haemorrhage large in pleural cavity. Bullet not found by me. No burning round wounds: slight discolouration round wound on Levinson.

X.Xd.:- Slight burning in wound Levinson, but not such as would be found if fired at close range. In neither case fired at close range.

Wit.

Leib Levinson.

Sworn.

Son of Selig Levinson. On 20th April last, 9-10 a.m., I, my father and Morrison were in Hatikva Quarter. Put furniture in cart and started to move. Heard shot: my father driving cart. I was beside him. Morrison sitting beside my father, who was in middle. First shot hit Morrison: he shouted "Levinson, help me". My father then hit by 2nd shot in chest. Man who fired tried to fire at me and I ran away and he fired after me twice. I saw the man who fired: he was behind cart near a barrack. Morrison sitting on my father's left. Shots came from Morrison's side. Man about 15 m. away. Saw his face when he fired at me. Had not seen him before that day. It was this accused. He had trousers and a black tunic. I remember four shots: two at me, which missed me. Picked him out at identification parade: identified accused at once. I reported to Police same week. Took bodies to Hadassah. On photo "A" No.5 is my father: No.5 is Morrison.

X.Xd.:- First shot fired when cart about to start. Loaded with furniture. I was standing on cart.. My father was sitting. No one else present. Know David Melech: he had gone with us towards Hatikva - left half way. Don't remember telling Police that David Melech with us and he ran away when shooting began. This is my signature on Police statement "B". Don't remember if I told anyone before I told Police. I said that after shooting I hid myself behind barrack. On running behind hut I met accused face to face. David Melech never near the barracks. I could see asphalt road from where

face concealed

It is not the first time that I have been in a similar position.

At the time of the first trial, I was in a similar position.

At the time of the second trial, I was in a similar position.

At the time of the third trial, I was in a similar position.

At the time of the fourth trial, I was in a similar position.

At the time of the fifth trial, I was in a similar position.

At the time of the sixth trial, I was in a similar position.

At the time of the seventh trial, I was in a similar position.

At the time of the eighth trial, I was in a similar position.

At the time of the ninth trial, I was in a similar position.

At the time of the tenth trial, I was in a similar position.

At the time of the eleventh trial, I was in a similar position.

At the time of the twelfth trial, I was in a similar position.

At the time of the thirteenth trial, I was in a similar position.

At the time of the fourteenth trial, I was in a similar position.

At the time of the fifteenth trial, I was in a similar position.

At the time of the sixteenth trial, I was in a similar position.

At the time of the seventeenth trial, I was in a similar position.

At the time of the eighteenth trial, I was in a similar position.

At the time of the nineteenth trial, I was in a similar position.

At the time of the twentieth trial, I was in a similar position.

At the time of the twenty-first trial, I was in a similar position.

At the time of the twenty-second trial, I was in a similar position.

At the time of the twenty-third trial, I was in a similar position.

At the time of the twenty-fourth trial, I was in a similar position.

At the time of the twenty-fifth trial, I was in a similar position.

At the time of the twenty-sixth trial, I was in a similar position.

At the time of the twenty-seventh trial, I was in a similar position.

At the time of the twenty-eighth trial, I was in a similar position.

At the time of the twenty-ninth trial, I was in a similar position.

At the time of the thirtieth trial, I was in a similar position.

At the time of the thirty-first trial, I was in a similar position.

At the time of the thirty-second trial, I was in a similar position.

At the time of the thirty-third trial, I was in a similar position.

At the time of the thirty-fourth trial, I was in a similar position.

I was. I may have said man had European dress. Can't say if his trousers European or not. Can't remember colour. Told Police they were black. Went to scene with Police a few days after. Went same day with Police to orchard: don't know if then searched it. Did not see accused in orchard that day. Can't say who shewed us round. Did not see Turkeltaub before Court proceedings. I went to two identification parades: failed to recognise anyone at the first. Some time between the two parades.

Re Xd.:- At first parade accused was not there on that parade and I picked no one out. At second parade, when accused there, I picked him out at once. I had never seen accused between murder and second parade.

Wit. Elimelech Turkeltaub. Sworn.

Remember 20th April last. Heard shots when I was walking with Starkman, asked him if ~~xxxxxxxxxxxxxxxxxxxx~~ people shooting or not. He pointed out a man near by who was firing. Starkman began to run and shouted. I threw myself into ditch. I saw son of Levinson running towards us. Man who was firing was an Arab. I recognise him - the accused. Firing

with rifle. Saw a cart: barracks nearby: 20 or 30 m. away from cart. Cart was 70-80 m. from road on which I was. Man who fired was standing near Barracks: between barracks and cart. It would be about 10 a.m. Saw accused again in Hatikva when

I was having lunch opposite Police Station. Heard shouts and saw accused leaving Police Station. This was in July. I left my food and went into Police Station but was stopped by a P.C. owing to an inspection by A.S.P. Told to wait in yard. Waited 3-5 minutes when accused returned and came in to Station. I told the A.S.P. Schiff that a man who had left was a murderer. He said he would take me to Jaffa for investigation. I had previously attended an identification parade in Jaffa. I

picked out a man and said he was identical with accused but was

not 100% sure. Later I recognised accused at Hatikva. Accused not present at 1st parade I attended. Had not seen accused between the shooting and in the Police Station Hatikva. As soon as I saw accused coming out of Station I recognised him. I am sure - certain.

X.Xd.:- I saw firing from the ditch: on main road. Between where I was and the place of firing - a shallow wadi. I don't remember telling Police I was 150 m. away. (Police Statement "C" put in). I saw notice in Press saying that anyone who saw murder should go to Town Halla. I went to Police because I was told I must go. I told my friends about the murder and they said I must go. Accused holding rifle and shooting. Heard 4-5 shots about: 2-3 after I was in ditch. When firing stopped, P.C. arrived. Levinson was calling for help, but I told him to come to me. I did not go to hospital. I left with others. About 4-5 Police arrived. I told them what I had seen and I shewed them grove where accused had gone. They did not ask me for a description but went at once into grove. Did not know Levinson previously and did not see him nor speak to him since. Accused wearing dark jacket, white native trousers and a wool takiya. This is my signature on "D". Have passed this grove near shooting twice only. Can't remember if told P.C. at door that man who had left was a murderer? Did not say at identification that man was 100 m. away and I could not be sure. Identification report put in - "E". I signed it.

Re Xd.:- I don't know Hebrew and can't read the papers. I thought enough witnesses already. Did not know accused by sight before murder.

Adjn. 1 p.m.
Resumed 2.15 p.m.

Wit. Shaul Starkman. Sworn.

Remember 20th April. Was walking from Hatikva with Turkeltaub: heard shots: told him they are firing. He said "No, they are nailing wood". I told him "Someone is there

firing". Turkeltaub said to me to lie down. I ran on and shouted "Police, Police". I looked to see I was not fired at. I ran to a place where son of Levinson was standing. I called to him to run quickly. We both ran. He was driving his cart: he returned and got the cart. The father Levinson was in cart, dead. Morrison, also in cart, called for help. Police arrived. I showed them where murderer had gone. The man who was firing was the accused. Had never seen him before. I identified him on a parade in lock-up. This was the second parade I attended. On a first parade accused not there and I did not identify anybody. I was perhaps 60-70 m. from accused. I saw his face clearly. I was looking at him in case he fired at me. After 3-4 days was told they were looking for witnesses and I reported to Police. 3-4 shots.

X.Xd.:- This is my signature on "P" dated 14th May. Gave information first to Township. Then Police took my statement: some weeks later. When I saw cart, people inside it. Shot in it. When he fired at cart, young Levinson ran away (cf. Police statement where he said people were standing near cart). When shots heard Turkeltaub and I parted. He lay on ground. I ran towards road into town. Can't say distance. Accused standing near barrack: on other side of cart to me. Cart had cases on it. He had white Arab trousers, black jacket, wool cap. Don't know that road well: only in it twice. Don't live in Hatikva: nor work there. I went there to visit Turkeltaub who had opened factory there.

Re Xd.:- Nil.

Court :- Absolutely sure it was accused. I have no doubt.

I had to run towards accused to get on to road to get into Tel-Aviv.

Wit. F. Stevenson. B.Cpl.1020. Sworn.

Held identification parade at C.P.S. on 10th August: 12 others besides accused. Starkman pointed out accused saying "This is the man". After looking at parade perhaps two minutes.

No hesitation. Accused said "this person knows me a long time". Accused chose his position. Leib Levinson also identified accused: walked up to accused and touched him. No hesitation. Accused said "These people know me since I work in colony long time".

X.Xd.:- Witnesses could not see accused previous to parade. Accused under arrest.

Close of Prosecution.

D.W. N. Goldman. Police Inspector. Sworn.

X.Xd. by defence :- Arrested accused on 7th August. There was another person suspected. I was not present at parade. Accused was suspected of another murder: he was one of fifty suspects. He was kept in Hatikva P.S. but taken out for work. He was put up for footprint identification outside Station. Only there one day during daytime. People could watch the parade for footprints for the 50 men. Went to scene to inspect. Levinson with me. Did not go to biyara where accused works. We went to another grove where murderer was supposed to have gone. We found no tracks. Did not see accused there. From hut to main road 100-120 metres. Possible 180 m.

Plan now shewn to me is correct - "G".

D.W. Ahmed Badr. P.I. Sworn. (Called by Defence).

X.Xd.:- Did not go with Mr. Goldman to inspect scene.

Mogannam for defence :- Submits no case to answer.

COURT HOLDS that there is a case.

Accused. On oath.

Not guilty of this act. Never shot these men. Did not leave my house. Never had rifle or revolver. Work for Haj Abdel Rahman Hamad as biyari for 2½ years. Prior to that for Samara which grove now is owned by Jews. Often in Hatikva: through it every day from Salameh where I live. Jews ~~xxxx~~ used to see me before riots. They know me. Arrested

for another offence. One of these witnesses failed to pick me out on a parade for that other offence. Was taken out in front of station for footprints. People at Hatikva saw me. I was there 8-5.

X.Xd.:- It is true these witnesses knew me before. All Jews know me. Can't explain why then they did not go and tell Police ~~xxxxxx~~ at once it was me. At the first parade Turkeltaub identified another man, although I was present.

Court :- I did not know any of these witnesses personally. Now changes and says he did know them.

Re Xd.:- Knew their faces before.

D.W. A.H.Leaves. Sworn. Sworn.

Held identification for this case. This accused not there. One witness said "I believe this is the man, but I'm not 100% sure as I was 100 yards away". This was when he touched someone else.

D.W. Haj Abdel Rahman Hamad. Sworn.

Accused working for me two years 5 months as biyari. Honest servant.

D.W. Ibrahim Saadi Zaabalawi. Sworn.

Merchant Jaffa. Grove owner. Next to that of last witness. Have not been there during strike. Known accused for last 9-10 years. Good character.

D.W. Hassan Ilyatin. Sworn.

Know accused. With him in biyara at beginning of riots. On 2nd day morning with accused: about noon. We slept with our families there. Got up in morning together. Heard no shots that morning. Accused had no rifle and never left me. Stayed together until sunset. No Police came hat day, not till a month later.

X.Xd.:-

D.W. Ahmad Nour. Sworn.

Surveyor. I prepared plan "G" from official plans.

nearest distance: see Arabic record

Measurements correct. But is 130 m. from main road: done
on scene.

D.W. S. Schiff. A.S.P. Rural. Sworn.

On 28th July, 1936, or somewhere about, accused at Police Station Hatikva. A man Turkeltaub said to me, pointing to accused, "This is the fellow". Accused was with three others. I told him to go away and ordered Insp. Goldman to take charge. He was not arrested on that day. I never took any parades on any occasion.

Court :- Turkeltaub said "This is the man who committed the murder". I was not prepared to act on his statement without inquiry. I had to go out ~~in~~ on another case. No inspection.

Close of Defence.

S.G. :- All turns on credibility of witnesses.

Mogannam for Defence :- A framed case: witnesses could not possibly have identified.

Adjn. for judgment to 21st, 9 a.m.

Resumed 21st.

Adjn. for further evidence: man wrongly identified by Turkeltaub
to be produced. Daoud Dabdah produced before Court.

Wit. A.H. Leaves. Recalled.

This man Daoud Dabdah was picked out by the witness Turkeltaub. He was not a suspect only brought in to form parade.

No question.

JUDGMENT :- Guilty as charged. See separate judgment.

Allocutus :- I know nothing.

SENTENCE :- Death according to Law.

(SIGNED) R. COPLAND J.

J U D G M E N T .

The accused in this case is charged with premeditated murder, contrary to Art.170 of the Ottoman Penal Code, in that he, on April 20th, 1936, the second day of the disturbances which have recently come to an end, did fire shots at and kill Selig Levinson and Shlomo Morrison.

There is no doubt that each of these two victims was killed by a shot fired from a rifle. Shlomo Levinson was hit by a bullet which penetrated both lungs and ruptured the heart, causing his immediate death. Shlomo Morrison was shot in the right upper arm; the bullet penetrated the body and fractured several ribs. He succumbed to his injuries following a surgical operation in hospital.

The most important evidence for the prosecution is that of three witnesses who stated having been eye-witnesses to the incident. The first witness, Leib Levinson, son of Selig Levinson (deceased), stated that he, his late father and Shlomo Morrison were about to move from Hatikvah to Tel-Aviv, with a cart loaded with furniture, when shots were fired at them. Morrison who sat beside old Levinson was the first to be hit. The second shot hit old Levinson who died instantaneously. The assailant fired at the witness but the latter ran away and was fired at twice but the shots missed him. He said having had a clear view of the man's face as he was only about 15 metres away from him, and also because after the shooting, when witness hid himself behind a barrack, he met his assailant almost face to face. There is no doubt that at the second identification parade this witness identified the accused as being the man who fired the shots, and that he identified him without hesitation. The officer under whose supervision the parade was held is a person who, by reason of his wide experience, has acquired expert knowledge in this branch of criminal investigation, and we believe that the

identification parade was held with the utmost fairness.

When this witness identified the accused, the latter stated that witness knew him, as he (accused) had been working in a grove near Hatikvah for a long time. ^{by the Prosecution} It is admitted that ~~this witness was not a particularly good one~~, yet this may be accounted for by the fact that he is still young and inexperienced and was, as many young men are, somewhat agitated when appearing in Court. At the first identification parade witness did not identify accused as the latter was not present at that parade, but he did identify him at the second parade. He said that he did not know or see the accused before the offence was committed.

The second witness named Turkeltaub was accompanying one Starkman on the sandy way from Tel-Aviv to Hatikvah Colony. He heard shots and asked his friend whether people were firing, whereupon his friend pointed to a person who was shooting. Starkman began to run and shouted, while his colleague threw himself into a ditch. He saw young Levinson running towards him and also saw the Arab who was firing

near a hut which was about 20-30 metres away from the cart.

90/110 was { The distance between witness and the cart was about 70-80 metres. He stated quite definitely that the Arab whom he saw firing was this accused. On 28th July, 1936, while witness was having his lunch in a Restaurant opposite Hatikvah Police Station he saw a man whom he at once recognised as being the murderer, enter Hatikvah Police Station. He immediately left his food and went straight to the Police Station to give information regarding the culprit. There seems to be a slight divergence between the account related by this witness and that given by A.S.P. Schieff. Witness said that on arriving at the Station he was told by a police constable to wait in the yard, as Mr. Schieff was attending an inspection and that while he was waiting, accused came out of the Station. He then told Mr. Schieff that the man who had

left was the murderer, whereupon Mr. Shieff said that he would take him to Jaffa for investigation. Mr. Shiff's version of the incident is that witness said, pointing to a man, "This is the fellow who committed the murder". Mr. Shiff was not prepared to act on witness's statement without further inquiry, and as he was then engaged in another case he referred the witness to Inspector Goldman. This witness had previously attended an identification parade at Jaffa at which accused was not present. The person then picked out by him was one Daoud Dahdah whom "he believed to be the man" but he was not 100% sure. This person (Daoud Dahdah) was called into Court and asked to stand beside the accused in the dock to enable the Court to ascertain the degree of resemblance between him and the accused. Having carefully examined them we find that they closely resemble each other; in particular, the protruding cheek-bones and other facial characteristics, e.g. eyes are strikingly alike, the only difference being in their moustaches. Bearing in mind that the distance between witness and the accused was about 180 metres, we are called upon to say what value we should attach to his evidence regarding the identification. Although witness said that he was only about 100 metres away from accused yet we see no reason to disbelieve his statement that he did see accused well, even though the distance between them had been greater.

WB

The third witness, Starkman, said that it was the first occasion on which he had gone to Hatikvah on that day with his friend Turkeltaub to visit the factory which the latter had recently established at that Colony. His evidence is a confirmation of the account given by the previous witness. As he was running for the Police he was forced to proceed towards the accused in order to reach the main road leading to Tel-Aviv. He seems to have been nearer to the accused than the previous witness for he states having been about 60-70 metres away from the accused whom he was

vigilantly watching lest he should fire at him. He unhesitatingly picked out the accused at the second parade, though at the first parade which accused did not attend he did not identify anyone.

This is the evidence led by the Prosecution. The defence is a complete denial of the facts alleged by the witnesses for the Prosecution. The first line of defence, namely the alibi, was not satisfactorily established. The second line of argument taken up by the defence, hinged on the unreliability of the evidence regarding the identification. It was contended that the witnesses had an opportunity of seeing the accused when he was brought to Hatikvah Police Station for the purpose of examining and comparing footprints. The Prosecution witnesses, however, denied having seen the accused previously. None of them said that he saw accused when he was brought to Hatikvah Police Station for identification purposes.

It only remains for us to say whether we believe the witnesses for the Prosecution whose evidence we have heard and whose demeanour we have had occasion to watch in the course of the trial. There are at least two of the prosecution witnesses whose evidence the defence was unable to shake.

PLR. (We have no reason to think that these witnesses conspired to frame a case against the accused which would cost him his life. They appeared to us to be decent persons who, we believe, were speaking the truth.

We therefore find the accused guilty of the premeditated murder of Selig Levinson and Sjlomo Morrison, contrary to Art.170 of the Ottoman Penal Code.

(SGD) R. COPLAND.

Allocutus :- I know nothing.

SENTENCE :- Death according to Law.

GIVEN this 21st day of October, 1936.

(SGD) B.V. SHAW
JUDGE

(SGD) R. COPLAND
PUISNE JUDGE

EXHIBIT "B"

STATEMENT OF :- Leib Ben Zelig Levinson.
RESIDING AT :- Neve Shaanan Street 24.
AGE :- 18.
OCCUPATION :- Labourer.
RELIGION :- Jew.

On Monday, 27.4.36, at 12.50 p.m., I took the statement of the above named in connection with the murder of his father and of Shlomo Morrison on 20.4.36 as follows :-

About three months ago I joined my parents in Palestine. They were living in Chelouche Street in Tel-Aviv. On Wednesday, 15.4.36, my father constructed a barrack near Hatikvah Quarter. My father took the land from Gass "eimann on lease. On the Wednesday we moved to live there. We lived there - my father, mother, self and my brother Abraham. We lived there until Sunday, 19th April, 1936, on which day we left the barrack because of the disturbances which broke out in Jaffa and its neighbourhood, inasmuch as we were afraid to remain there. We stayed at the house of the late Shlomo Morrison at 24 Neve Shaanan Street. When we left the barrack we took with us only beddings and some linen. On the following day, Monday, 20th April, 1936, at about 9.30 a.m., my father harnessed his horse and we proceeded to the Shapira Quarter to remove the effects of our friend Leib Dardikman. My late father, the late Shlomo Morrison and I proceeded together. Arriving at Shapira Quarter, we found the house of Dardikman already closed: he and his family were no longer in the house. We proceeded back. On the way we met policemen armed with rifles. As we wished to go to our barrack to take effects from there, I approached the policemen: there were other people there too ("Badranim"). I enquired whether we could proceed to our barrack in Hatikvah Quarter. They said we could. While we were still in Shapira Quarter we met

our acquaintance David Mendelmilch, who went with us. He lives at Shapira Quarter. We four came to the barrack. My father, Shlomo Morrison and I entered the barrack. My father and Shlomo Morrison took out the (?) and came out. I removed the mattresses and a few other things. We all sat on the cart. David Mendelmilch stood at a distance from the cart. He did not join in bringing out the effects. My father took the reins and was about to start on the journey when suddenly a shot rang out and the late Shlomo Morrison was wounded from the first shot in his hand. He started shouting and said to my father "Zelig, save me". When I heard the shot, I jumped out of and stood by the cart. I called to my father to leave the cart: and that we both flee. He did not listen to me, but wanted to escape with the cart and Morrison. Meanwhile, a shot was again fired which hit the chest of my father. He immediately fell unconscious on the cart. David Mendelmilch at once escaped. A third shot was heard. I had nowhere to escape and therefore hid myself behind the barrack. I then saw the person firing who stood behind the other side of the barrack. He went after me. I walked round the barrack until I reached the main street. I started running and shouting. He fired at me three shots. I saw well. Two shots, which were aimed at me, did not hit me. The third passed by my ~~index~~ right index and scratched it. I saw the person firing. He was an Arab, about 30 years old, of medium height, wearing European trousers of dark colour, black shirt, bareheaded: dark ~~complexion~~ complexion and longish (?) face: beard and moustache unshaved: black hair. I think I may recognise him if I saw him. Body medium. I saw him holding a long rifle and firing at me. He fired about five shots: three while I was still near the cart and two while I was escaping on the road in the direction of the Maccabee Sports Ground. Some time after I escaped and when the shots ceased, I returned to the cart and proceeded with my

Contrast
description
by Turk
at Court

father and Shlomo Morrison. My father was already dead. Shlomo Morrison spoke: he asked me to drive faster to the Hospital. When I approached the Maccabee Sports Grounds a taxi came in front of us. They took Shlomo Morrison to ~~Maxpink~~ the Hadassah Hospital. Then policemen arrived and transported my father in a truck to Hadassah when he was already dead. I was taken on a motor-cycle to the Hadassah.

My father's name is Zelig Ben Leib Levinson: 54 years old: had been in the country since 2½ years: he was a coachman. My mother's name is Bente (?).

Q. R. :- At the time of the occurrence I did not see Shlomo Broker (?): ~~maxpink~~ it may be he was there too: it may be he came behind us when I did not see him.

This is my statement. I must add that when we asked the policemen whether it was possible to proceed in the direction of Hatikvah Quarter, Shlomo Morrison said we should ask for a Constable to accompany us. The policemen heard this, but they did not come with us. When I escaped, I ran ~~zig-zag~~ and this was apparently why the shot did not hit me.

Q. R. :- The cart stood at a distance of about three metres from the barrack.

This is my statement.

(Sgd) Leib Levinson

(Sgd)

No. 340.

27.4.1936.

EXHIBIT "C".

STATEMENT OF :- Elimelech Turkeltaub, Polish.
RESIDING AT :- Hakishon Street 45.
AGE :- 42.
OCCUPATION :- Carpenter.
RELIGION :- Jew.

Statement taken down on 14.5.36 at 2.40 p.m. in shop
of witness :

I remember the 20.4.36 at about 11.30 a.m. I together
with my friend Starkmann were coming from Hatikva towards Tel-
Aviv. Before we arrived to the bridge, we heard a shot from
the left side of the land, where a few ~~huts are built~~
huts are built near the orange groves in a distance of about
100 metres from the road. I heard a voice shouting in
Yiddish "Gewalt" and when I looked to the huts I saw a cart
with one horse standing near one of the huts, and a young
Jew dressed in blue shirt running towards the road and shouting.
On the rear of the hut at the corner I saw an Arab standing
with a rifle at the shoulder and I saw him firing twice after
the young Jew running away. On the cart two Jews were
sitting. I saw the one, the elder one, falling backwards,
whilst the other one was leaning to an ice-box on the cart.
We also started to shout, when we heard after about 5 minutes
a shot from the direction of Levineky Street, the Arab then
ceased to fire, turned about and ran towards the orange
grove, entered and disappeared. The Police then arrived
and also went into the grove, but I do not know whether they
found anybody.

Q. A. :- The Arab was about 20-35 years of age, medium
height, strong built, dark complexion, wearing white
shirwal, black jacket, small black cap. I had the impression
that he ought to be the owner or the watchman or in any way

a (7) from the orange grove, as he was going into the grove like somebody who is absolutely certain and familiar with the place. I think I would recognize the Arab if I see him again.

Read over and admitted to be correct.

(Sgd) M. Turkeltaub

(Sgd) L/Cpl. Robert Lantz

TRANSLATION.

POLICE HEADQUARTERS,
JAFFA.

10.45 a.m. 10.8.36.

Statement of Elimalch Thourkel Thoub of
Hatikva, Carpenter, age 41 years.

The above named was brought and the following
statement taken from him as he ~~xxxx~~ on 28.7.36 ~~is~~
~~xxxx~~ Schiff showed Mr. Schiff a person and stated that
that person was the one that committed the murder on
1934.36/20.4.36.

He stated:

Two or three weeks ago I was sitting in a
Caffee at Hatikva in front of the Police Station.
I heard a high voice. I looked and saw ^{an Arab} ~~a~~ person
crying loudly. I went to the Station after taking
permission from a Constable who told me that Mr.
Schiff is inside. I entered and the Arab was
standing outside. I told Mr. Schiff "Mr. Schiff
the person who left now is that whowas firing on the
two Jews at Hatikva on 20.4.36 Monday." Mr. Schiff
said come back when you are asked to do so and did not
tell me the reason. Then Mr. Schiff went away.

Q. A. The Arab person I spoke about to Mr. Schiff
went into the station again, but Mr. Schiff did not
speak to him and the Arab left.

Q. A. When I told Mr. Schiff that that person is the
one that killed the Jews at Hatikva, the Arab had already
gone and no one responsible asked him nor charged him.

Q. A. When I told Mr. Schiff about that man he did
not take a statement from me and no one else of the
Hatikva Police did. They only took my address. A
constable took it, whom I do not know.

Q.A. This is the first time I make a statement
since the date on which I pointed to the Arab to Mr.
Schiff.

Q. A.

I do not know this Arab, but Mr. Schiff was shouting at him in the Police Station at Hatikva.

Q.A.

I was at Hatikva and I do not know ~~xxx~~ whether that person works there or not. I mean the person the Arab I pointed to. That was the first occasion on which I saw him after the incident.

Q. A.

The descriptions I gave in the first statement at the beginning of the riots, are the same descriptions of the person I pointed to.

Q. A.

When I saw the Arab shooting on the two Jews on 20.4.36. He was 100 to 150 metres away from me.
The road was clear.

This is my statement.

Read out and confirmed.

(Sgd.) ?

" by witness

" by interpreter.

EXHIBIT "P"

STATEMENT OF :- Shaul Starkman.
 RESIDING AT :- Kiryat Yousef, near Nahlat Itzhak.
 AGE :- 46.
 OCCUPATION :- Carpenter.
 RELIGION :- Jew.

Statement taken down on 14.5.36 at 11.40 a.m. at shop of witness :-

I remember the 20.4.36, Monday, when I came together with my friend Terkeltop, who is working in Shenkin Street 21, from Hatikva Quarter towards Tel-Aviv. This was at about 10.45 a.m. When we passed by an Arab house on the left hand side of the road, between Hatikvah and the Salameh Bridge I heard a shot. Shortly after I heard a second shot was fired and I now saw that an Arab is standing behind a hut on the land between the orange groves and the Wadi and I saw that he is holding a rifle to his shoulder and pointing it towards three persons who are proceeding with a cart from the hut towards the bridge. I saw one of them, an old man, falling on the ground, whilst the second man got on the cart. A young man, the third, was standing near the cart. I shouted at him to go quickly with the car to the road. After the third shot I heard, the Arab turned back and holding his rifle in the hand escaped towards the orange grove, entered and disappeared.

Q.A.:- The Arab was about thirty years old, about 165-168 centimetres high, dark complexion, strong built, dressed in white shirwal, black shirt, small black cap. I did not see his shoes, I did not look at his feet. I believe that I may recognize him when I see him again. I noticed that the Arab must be a good shooter and familiar with his arm.

QEA. I saw only the one Arab who was shooting. I did not see more Arabs there.

EXHIBIT "E".

IDENTIFICATION PARADE

An identification parade was held at the Central Police Barracks, Jaffa, for the purpose of identifying Georges Nicolas Abbas accused of murder.

Nine persons of similar age, appearance, dress and mode of life were brought to which the accused, when asked, had not any objection. The following are the names of the persons who composed the parade.

1. Ali Mustafa.
2. Saleem Gorgis.
3. Salah Mukhtar.
4. Georges Nicolas Abbas (?) - accused)
5. Sarah Jashan.
6. Ahmad el Oustah.
7. Bashir Abu el Hour.
8. Daud Dahdah.
9. Abdul Rahman Ali.
10. Arif Hefal.

The first witness, named Lev Ben Zelig Levonsohn, was brought but was unable to identify the accused.

(Sgd) Lybe Lewenson

The second witness, named Shaul Starkman, was brought but was unable to identify the accused.

(Sgd) Shaul Starkmann

The third witness, named Elimelech Turkeltov, was brought and placed his hand on Daud Dahdah and said "I believe this to be the man but I am not 100% sure because I saw the man from a distance of 100 metres".

(Sgd) E. Turkeltov

After the parade the accused signed as an indication that he had no objection to the arrangements made for the parade.

(Sgd) George Nicola Abu Albass
Of Bethlehem: residing in Ramleh.

Parade was held by me at 10 a.m. on the 25.6.36.

(SGD) A.H. LEKVES

ARTICLE I

SECTION 1

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

1. No Person shall be a Representative who shall not have attained to the Age of twenty five Years, seven Years a Citizen of the United States, and when elected shall have been seven Years a Citizen of the State in which he shall be chosen.
2. No Person shall be a Representative who shall not, when elected, have been seven Years a Citizen of the State in which he shall be chosen.
3. No Person shall be a Representative who shall not, when elected, have been seven Years a Citizen of the State in which he shall be chosen.
4. No Person shall be a Representative who shall not, when elected, have been seven Years a Citizen of the State in which he shall be chosen.
5. No Person shall be a Representative who shall not, when elected, have been seven Years a Citizen of the State in which he shall be chosen.
6. No Person shall be a Representative who shall not, when elected, have been seven Years a Citizen of the State in which he shall be chosen.
7. No Person shall be a Representative who shall not, when elected, have been seven Years a Citizen of the State in which he shall be chosen.
8. No Person shall be a Representative who shall not, when elected, have been seven Years a Citizen of the State in which he shall be chosen.
9. No Person shall be a Representative who shall not, when elected, have been seven Years a Citizen of the State in which he shall be chosen.
10. No Person shall be a Representative who shall not, when elected, have been seven Years a Citizen of the State in which he shall be chosen.

Representatives and electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

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Toxicity General

Bt intimated that Ct was not necessary for
Moghamam Sy to attend

One Bt wanted to test identification

real evidence
material

No questions to ask

It was
evidence

Adj for further evidence

material
in judgment

Whether it is a proper thing to do that

A point that was material in testing: point

in At first identification

Materiality is whether it is bona fide.

Highly material as to good faith

Purpose of evidence.

montache
Other had
none at all
doesn't know

Not brought
by Prosecution
though material

stressed in final address
speech

disclosed in
prosecution
case.

Not evidence.

It is not open
Bt attached importance to that evidence.

Test is that
there would
have been
no conviction

Whether it is proper.

Sec. 39 is wide

Chronological order not important.

Rex v. Hardie

Not binding?

called one of aces

Art. 46 of Order
in Council, 1912

Rule is clear
Principle.

Calculated to
do injustice:
there was a
doubt.

The ground is not whether prisoner a
not prisoner called:

It is the restriction on the power of Ct.

Prosecution case must stand or fall

Other two
witnesses might
have made
the mistake too.

Moghamam would have done nothing.

ex improviso

Turkeltaub's evidence shaken —

Page 594 // rule applies to judge. —

Obiter dicta. // not being a

Whether calculated to do injustice
to aces.

In R. v. Harris,
it was not
even suggested
that it was
material.
It did result in
conviction of aces.

There is: he was
not a suspect

In police evidence there is nothing

This case may be borderline. —
see focus in quo-

Not same thing

- 3 -

A man brought,
to establish
credit of
Turkeltaub

That was the
purpose.

locus in quo.

does not add to evidence;

supplementing case for prosecution / ^{material} piece of evidence
patching up a big hole.

Small factor in mind of the Ct.

Can't see evidence
more important. -

In R v Harris, no
mention of that. -

No limitation: can't
be done. -

MB ~~rule~~ ^{did not} lay down a
rule, but particular facts

not denying // Our law is different:
wording // Sec. 39.

Sec. 42 is
quite clear.

No authority
for production

Production was during trial =

Trial is until judgment. -

Trial: ~~1.220~~
Archbold

Consideration of
the case by Ct:
nothing can be
done.

"after" & "shall" Sec. 42

That can only
be done if
there is matter
at improvise. -
key point in
alternation

They have
Sec. 36
" 39

Evidence of
Turkistan

Able to cause
injustice by the
mere fact of
bringing evidence;
there must be
an end to a
trial.

Bringing a
witness after
trial - -

Circumstances of case:
Statements after time
witnesses at least 180
Make mistakes.

Admission of
subject that every
time, but have doubt
they can call evidence
to clear out doubt.

A conviction has resulted, but not injustice.

I didn't call evidence, because
at that stage is material.
You don't know what's going to arise

Thank it is material in conviction
it doesn't cause injustice:

Made no difference

Not for me to prove that no
injustice done.
S.G. must prove that such
evidence could not reasonably
have affected the mind of the Ct.

Arch. F. 340

Irregularities of Procedure:

Fact

Prosecution closed: p. 6.

Defence closed: p. 8.

Address to Ct.

Adjourned for judgment to 21st.

Advocate does not appear.

Then resumed:

new evidence brought of two kinds:

(a) man produced before Ct: real evidence:

+ Ct relied on this evidence: vide (udg. page 3 of judgment.

(b) a witness recalled: A.H. Leaver.

1. - Court contravened Sec. 42, Trial upon Information
after reply of acc & his advocate, p. 423.
"The Court shall" - imperative

The order essential: Nothing can be done
Court not entitled to vary order of trial.
Here, it was "adjourned for judgment" to another date.
~~It suggests~~ once adj. for judgment, trial ends.

2. alternatively,
Ct was not entitled to bring new evidence.

Rex v. Harris (1927) 2 K.B. 587

The picking up of the wrong man was
no new matter: came out from
prosecution: H. 3/4. -

Ct cannot complete prosecution case.

This was ^{entirely} new evidence: material: see judgment

The prosecution case must stand or fall:

Material Facts.

Murder on 20th April.

Statement of Levinson on 27.4.36 Exh. C
 " " Turklestaub on ~~14.5.36~~ 10.8.36 Exh. D
 " " Starkman on 14.5.36. Exh. F.

Turklestaub suspected accused on 28.7.36
 ∴ more than 3 months later.

He is the person that initiated proceedings.
 Turklestaub's statement taken on 10.8.36 Exh. D.
 No importance attached to him: Exh. D.

On 25.6.36, Turklestaub picked out
 an innocent person: Exh. E. -

~~This is~~
 This witness saw the assailant at least
 at 180 ms.

He admits 150 ms in Exh. D.

This is how the case started
Accd. to defence, he picked out again
 an innocent man. -

None of the witnesses could properly see the accd.

(i) Shot from back
Levinson says "saw assailant's face
when firing at him": page 2.

Levinson ran away: page 2.
 Person aiming has ~~his~~ part of his
 face concealed by rifle.

(ii) Turklestaub and Starkman
 Here, there is a physical impossibility.
 T. threw himself into ditch p. 3

Were walking on main road from Hoteikoa:
 { p. 4. both witnesses & p. 8. page 2.

See plan.

That produced to Ct by prosecution
 not to scale.

Defence produced proper plan: ff. 7-8
 least distance on plan between two
 witnesses + cart: 180 ms. straight line.

At some places 310 ms.

Turkeltaub told police: 100/150 ms. Exh. D.
 identification: 100 ms.: Exh. E.

Ct accepts 180 ms. ^{page 3 of Judgment}

At such a distance, a person cannot recognise
 the face of another: he may notice the build
 + colour of clothes: noticing more.
 Unless he knows him before, which is
 not suggested.

Value of such evidence discussed by Ct: ^{page 38}
 Judgment

Such evidence - recognition at 180 ms.
 cannot be corroboration.

Bethlehem + Jerusalem

Descriptions given by witnesses

See description by Levinsohn, Exh. B, page 2.
 Contrast description by Turkeltaub: Exh. C. + his

evidence in Ct: p. 4

Levinsohn:

European features
 of dark colour
 bareheaded +
 refers to hair

~~European features~~

Turkeltaub

Shirwal
 white
 small black
 cap

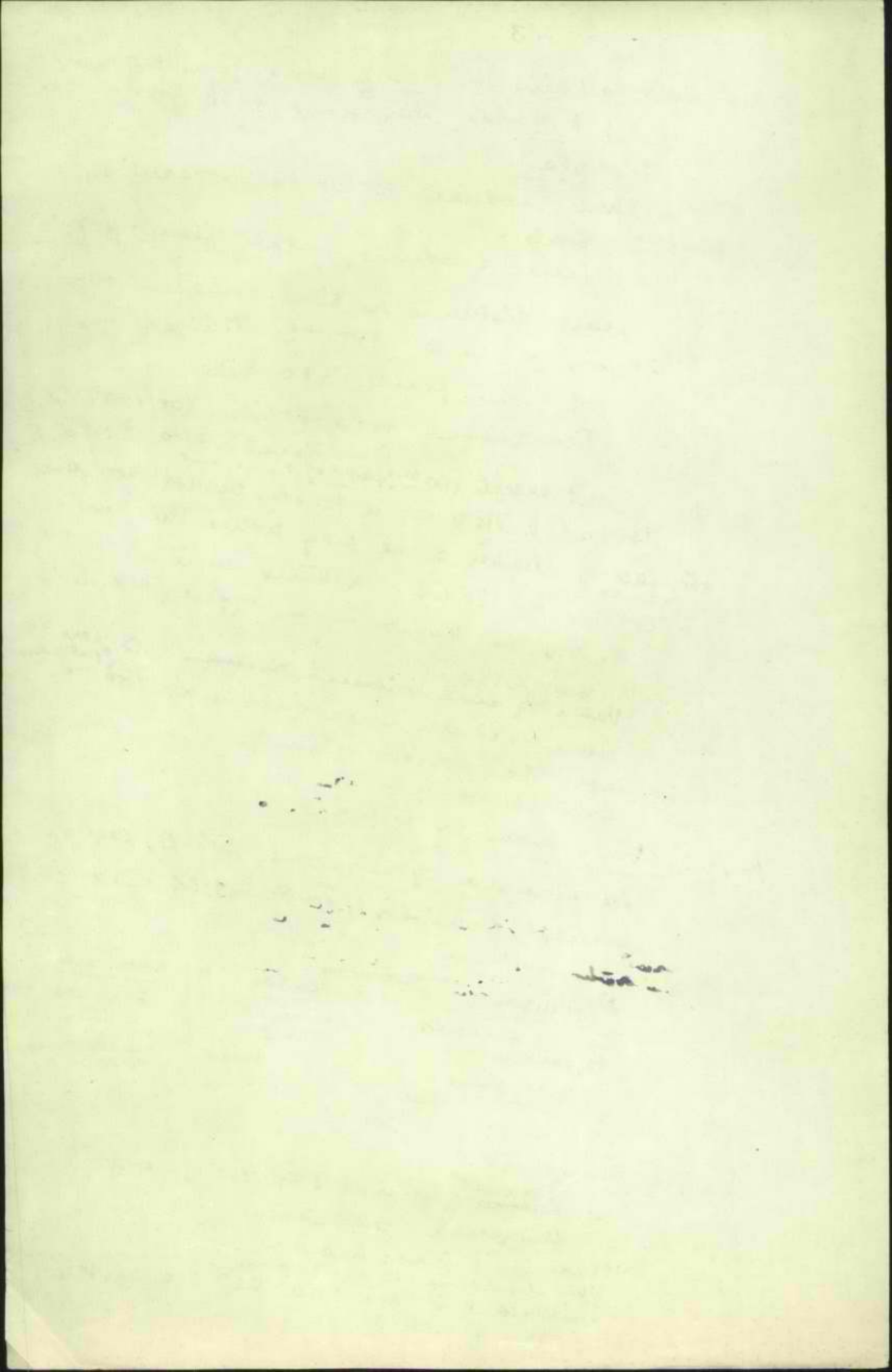
Starkman

Shirwal
 white
 small black
 cap

Story of Mengelnick.

See ^{statement} ~~evidence~~ of Levinsohn: Exh. B: ff. 1-2.
 Mengelnick escaped.

Material witness: next.
 Why should he invent him
 Turkeltaub + Starkman did not see this
 Mengelnick.



Positions

Levinson said after shooting, he hid behind
barrack, page 2.

Turkeltaub said cart 20/30 ^{was} away from
barrack: man who fired near barrack.
Impossible

Value of witnesses:

Levinson: ^{Jury} 7.8: not a good one. -

Turkeltaub: picks out an innocent man

Two of witnesses which Defence did not
shake: Judgment p. 4.
Which two?

Alibi: not satisfactorily established.

Accd. arrested on 7.8.36: p. 6.

Crime on 20/4/36.

How can one establish an alibi if months
later, especially in times of disturbances.

Conspiracy to frame case: ^{Jury} p. 4
P.L.R. page 218. -

Conclusions

1. No evidence to justify conviction

2. At least, most reasonable doubt.

premeditation
3. Irregularities of procedure.

Value of Levinson: commented upon by Ct.

" " Turkeltaub: ^{Distance.} -
picks out an innocent person
gives a different description from main
witness: this is not corroborative

" " Starkman: Equal distance with Turkeltaub
His evidence appears to be treated on a
different footing by the Ct from
that of Turkeltaub

IN THE COURT OF CRIMINAL ASSIZE SITTING AT JAFFA.

BEFORE: His honour Mr. Justice Copland; Puisne Judge;
" " Judge B.V.Shaw.

IN THE CASE OF

THE ATTORNEY GENERAL

vs.

YOUSEF HASSAN KANDEEL

=====

J U D G M E N T

=====

The accused in this case is charged with premeditated murder, contrary to Art. 170 of the Ottoman Penal Code, in that he, on April 20th. 1936, the second day of the disturbances which have recently come to an end, did fire shots at and kill Selig Levinson and Shlomo Morrison.

There is no doubt that each of this victims was killed by a rifle bullet. Selig Levinson was hit by a rifle bullet which penetrated both lungs and ruptured the heart, causing his immediate death. Shlomo Morrison received a shot-wound in the right upper arm, the bullet penetrating into the body and fracturing several ribs. He succumbed to his injuries following an operation on him, in hospital.

The most important evidence for the prosecution is that of two witnesses who stated having been eye witnesses to the incident. The first witness, Leib Levinson son of Selig Levinson (deceased), stated that he, his late father and Shlomo Morrison were about to move from Hatikvah to Tel-Aviv, with a cart laden with furniture, when shots were fired at them. Morrison who set beside Old Levinson was the first to be hit. The second shot hit old Levinson who died instantaneously. The man who fired tried to fire at witness but the latter run away and was fired at twice but the shots missed him. Witness saw the face of the man who fired and who

.....

Handwritten:
Hals. Vol. 14, p. 170. (a)
Arch. 505, 515, 220. -

stood behind the cart and near a barrack and who was only about 15 meters away from witness who maintained that he was able to see him well and who was certain that the person who fired was this accused. After the shooting, witness hid himself behind a barrack and as he was running behind the hut he met the accused almost face to face.

There is no doubt that at the second identification parade this witness identified the accused without hesitation. The officer under whose supervision the parade was held is a person with expert knowledge in this branch of criminal investigation; and we believe that the identification was held with the utmost scrupulousness. When this witness identified the accused the latter stated that witness knew him as he was working in one of the groves adjoining Hatikvah Colony. Although the man in which this witness gave his evidence may not have been a particularly good one, yet this may be accounted for by the fact that he is ~~young~~ still young and inexperienced and was naturally somewhat agitated when appearing in court.

At the first identification parade witness did not identify accused as the accused was not present at the parade, but witness did identify him at the second parade. He did not see accused before the offence was committed.

The second witness named Turkeltaub was accompanying Starkman on the sandy way from Tel-Aviv to Hatikvah Colony. On hearing shots he asked his friend whether people were firing where upon his friend pointed to a person who was shooting. Starkman began to run and shouted, while his colleague threw himself into a ditch. He saw young Levinson running towards him and also saw an Arab near a hut which was about 20-30 meters from the cart. The man who fired was between the cart and the hut and the cart was about 70-80 meters from the road on which he was. Witness stated quite definitely that the man whom he saw firing was this accused. Sometimes in July, while witness was having his launch opposite Hatikvah Police Station, he saw a man whom he at once recognized as being the murderer, enter Hatikvah Police Station. He immediately left his food and went straight to the Police Station to give information as to the culprit. On seeing Mr. Schieff he said, pointing to accused, "This is the fellow who committed the murder". Mr. Schieff said in evidence, that he was not prepared to act on this statement without further enquiries and as he was then engaged in another case he turned the witness over to Inspector Goldman. Accused was not arrested on that day. This witness had previously attended an identification parade at Jaffa, but which accused was not present. The person then picked out by him was one Daoud Dahdah who, he stated, resembles the man who fired the shots. This person (Daoud Dahdah) was brought unto court to enable the court to ascertain the points of resemblance between accused and Dahdah. After careful examination we have ascertained that there is a strong resemblance between both, and, in particular, the protruding cheek-bones, facial traits, and eyes are strikingly alike, the only exception being the mustaches.

XX The estimate of the distances furnished by this witness lends weight with evidence. If he was within a distance of about hundred meters from the accused he must have undoubtedly been in a position to see accused's face; but supposing the accused to have been at an even greater distance, which, putting at the highest, could not have exceeded 150 meters, there is no reason to disbelieve the witnesses statement that he did see the accused even at that distance.

13
The third witness Starkman said that this was the first occasion on which he had been to Hatikvah with his friend Turkletaub to visit the factory which the latter had recently established at that Colony. His evidence is a confirmation of the story related by the previous witness. He stated that he ran for help to the Police and that he was forced to proceed in the direction of the accused in order to reach the main road towards Tel Aviv and that while he was running he was vigilantly watching the accused lest the latter should fire at him and that he was within 60-80 meters from the accused, from which distance he was in a position to see the accused's face very clearly. He unhesitatingly picked out the accused at the second parade, though at the first parade which the accused did not attend he was obviously unable to do so.

This is the evidence for the Prosecution. The defence is a complete denial of the facts brought out by the evidence led by the prosecution. The defence of alibi was in complete and unsatisfactory. One of the points enlarged upon by the defence was the unreliability of the evidence with regard to the identification of the accused, contending that the witnesses had an opportunity of seeing the accused when he was brought to Hatikvah Police Station for the purpose of examining foot prints. We are satisfied that the witnesses did not see the accused before the identification.

The only question, therefore, with which we are now concerned relates to the credibility of the witnesses. We have carefully watched the witnesses in the course of their giving evidence and we are ~~xxx~~ satisfied that they were speaking the truth. Two of the witnesses for the prosecution who were closely examined by the defence were not shaken. There is the evidence of young Levinson who was nearest to the accused and whose evidence with regard to identification cannot be contested. We are satisfied that there was no conspiracy on the part of the witnesses to bring about a conviction as we cannot believe that they deliberated upon inventing a story with intent to securing a capital sentence. We therefore convict the accused of the offence of premeditated murder of Selig Levinson and Shlomo Morrison, at Hatikvah Colony, contrary to art. 170 of the Ottoman Penal Code.

Allocutus: I know nothing

Sentence: Death according to Law.

Given 21st. October, 1936

Judge.

Puisne Judge

CRIMINAL ASSIZE
CASE NO. 25/36

Before His Honour Mr. Justice R. Copland
His Honour Mr. Judge B. V. Shaw

In the case of The Attorney General
V

Yousef Hasan Kandeel

Charge against accused:-

Murder with premeditation, contrary
to Art. 170 O.P.C.

For Prosecution:- Solicitor General

For Defence :- Mogannam

Renewed 20th October:

Plea H.G.

Wit Julian Casper

Dr of Medicine Pathologist 20th April last

examined body of Selig Levinson. So identified body later. Shot wound entrance right ~~posterior~~ side chest exitment offside chest. Same bullet went through upper part left arm. I believe a rifle bullet. Found parts of bullet in left arm in bone. Gave them to Police.

Bullet penetrated through left lung and heart.... Heart ruptured. Cause of death injury to heart - large..

Also examined body of Shlomo Morrison same day- Photo taken and same of Leveson identified today to one from photo. Photo produced "A" No. 5 is Levinson. No. 3 is Morrison. These are the two persons I examined.

In Morrison - Shot wound right upper arm penetrated into body - fractured several ribs- on back found operation wounds. Cause of death.

Large in plural cavity. Bullet not found by me.

No burning round wounds. Slight discoloration round wound on Levinson.

Xit. Slight burning in wound Levinson but not such as would be found if fired at close range.

In ~~sight~~ either case fired at close range.

Wit. Leib Levinson :

Son of Selig Levinson - On 20th April last, 9-10 a.m. I my father and Morrison were in Hatikva Qtr. Put furniture in cart and started to move- Heard shot - My father driving cart. I was beside him- Morrison sitting beside my father who was in the middle.

First shot hit Morrison - he shouted "Levinson help me". My father then hit by second shot in chest. Man who fired tried to fire at me and I ran away and he fired me twice.

I saw the man who fired - he was behind cart near a barrack - Morrison sitting on my father's left. Shots came from Morrison's side. Man about 15 meters away- Saw his face when he fired at me. Had not seen him before that day. It was this accused. He had trousers, and black tunic. I remember 4 shots- 2 at me, but missed me. Picked out at identification parade. Identified accused at once - I reported to Police same week. Took bodies to Haddasah. One photo "A" No. 5 is my father. No. 3 is Morrison's.

Xet. First shot fired when cart about to start loaded with furniture, I was standing on cart. My father was sitting - No one else present.

Shots from behind.

Know David Melech - he had gone with us towards Hatikva - left half way. Donot remember telling police that David Melech with us, and he run away when shooting began. This is my signature on Police Statement. "B".

Do not remember if I told any one - before I told Police. I said that after shooting hid myself behind barrack. On running behind but I met accused face to face.

David Melech never near the barracks, I could see asphalt road from where I was - I may have said man had European dress - Can't say if his trousers European or not. Can't ~~xxx~~ remember colour. Told Police they were black.

Went to scene with Police a few days after.

Went same day with Police to orchard a- Don't know if they searched it. Did not see accused in orchard that day. Can't say who showed us round.

Didn't see Turkeltaub before Gt. proceedings I went to 2 identification parades failed to recognise any one at the first, sometime between the 2 parades.

(and)

Rex's At first parade accused was not there on that parade/I picked no one out. At 2nd parade when accused there I picked him out at once.

I had never seen accused between murder and 2nd parade.

Wit. Elimelech Turkeltaub Levinson

Remember 20th April last. Heard shots when I was walking with Starloman asked him if people shooting or not. He pointed out a man near by who was firing Starloman began to run out shouts. I threw myself into ditch. I saw son of Morrison running towards us man who was firing was an arab I recognise him the accused. Firing with a rifle. Saw a cart barracks near by 20 or 30 m. away from cart. Cart was 70 or 80 m. from road on which I was. Man who fired was standing near barracks between barracks and cart. It would be after 10 a.m.

Saw accused again in Hatikva when I was having lunch opposite Police Station.

Heard shouts and saw accused leaving Police Station.

This was in July. I left my food and went into Police Station but I was stopped by a police owing to an inspection by A.S. P. Told to wait in Yard.

Waited 3-5 minutes when accused returned and came in to station. I told the A.S.P. Schiff that a man who had left was a murderer. He said he would take me to Jaffa for investigation.

I had previously attended an identification parade in Jaffa. I picked out a man and said he was identical with accused, but was not 100% sure.

Later I recognised accused at Hatikva.

Accused not present at 1st parade I attended.

Had not seen accused between the shooting and in the Police Station Hatikva.

As soon as I saw accused coming out of Station I recognised him. I am sure. Certain.

XOP I saw firing from the ditch - on main roads

Between where I was and the place of firing- a shallow wadi- I donot remember telling Police I was 150 M. away. (Police statement "e" put in)

I saw notice in press saying that any one who saw murder should go to the Town Hall.

I went to Police because I was told I must go.

I told my friends about the murder and they said I must go.

Accused holding rifle and shooting - Heard 4-5 shots about 2-3 after I was in ditch.

When firing stopped. Police arrived. Levinson was calling for help. but I told him to come to me. I did not go to hospital. I left with others about 4-5 after Police arrived.

I told them what I had seen and I showed them Grove where accused had gone.

They did not ask me for a description but went at once into grove. Did not know Levinson previously - did not see him nor speak to him since.

Accused wearing dark jacket white native trousers and a wool takiyah.

This is my signature on "D"

Have passed this Grove hear shooting twice only.

Can't remember if told P.C. at door that man who had left was a murderer.

Did not say at identification that man was 100 m away and I could not be sure. Identification report put in "E" I signed it.

Rexa : I do not know Hebrew and I cannot read papers.

I brought enough witnesses already.

Did not accused by sight before murder.

Adjd : 1.0 am

Rest : 2.15 pm

Wit : Shaul Starkwan Sworn

Remember 20th April, was walking from station with Turketaub - heard shots- told him they were firing. He said "NO", they are waiting word" I told him "Some one is there firing" - He said to me to be down. I ran on and shouted "Police - Police". I looked to see. I was not fired at - I ran to a place where son of Levinson was standing - I called to him, to run quickly - We both ran - He was driving his cart he returned and got the cart. The father Levinson was in cart dead.

Morrison also in cart called for help.

Police arrived - I showed them where murderer had gone.

The man who was firing was the accused. Had never seen him before.

I identified him on a parade in lock-up. This was the second parade I attended. On a first parade accused not there and I did not identify any body.

I was perhaps 60-70 m from accused. I saw his face clearly. I was looking at him in case he fired at me. After 3-4 days was told they were looking for witnesses and I reported to Police.

3-4 shots.

X01 This is my signature on "P" dated 14th May.

Gave information first to Township. Then Police took my statement some weeks later.

When I saw cart, people inside it, shot in it - when he fired at cart young Levinson ran away (c/o Police statement where he said people were standing near the cart)

When shots heard I and I parted. We lay on ground. I ran towards road into town - Can't say distance. Accused standing near barracks. On other side, offcart to me.

Cart had cases on it. He had white Arab trousers black jacket, wool cap.

Don't know that road well - only on it twice.

Don't live in Hatikva nor work there. I went there to visit "T" who had opened factory there.

Rexd Wit.

Absolutely sure it was accused. I hope to doubt. I had to run towards accused to get on to road to get into Tel-Aviv.

Wit. J. Stevenson. B/Corp. 1020 sworn.

Held identification parade at G.P.S. on 10th Aug. 12 others besides accused.

Starkman pointed out accused saying "This is the man". After looking at parade perhaps 2 minutes- No hesitation. Accused said this person knows me a long time.

Accused chose his position.

Leib Levinson also identified accused. walked up to accused and touched him. No hesitation-accused said "these people know me since I work in colony long time."

Xed Witnesses could not see accused previous to parade.
Accused under arrest.

Close of Prosecution.

N. Goldman. P. I. sworn.
Xch Arrested accused on 7th. Aug.. He was another person suspected I was not present at parade.
Accused was suspected of another murder he was one of fifty suspects. He was kept in Hatikva P.S. not taken out for work. He was put up for foot print identification outside station. Only there one day during day time people couldnt watch the parade for foot prints for the 50 men.
went to scene to inspect Levinson with me. Did not go to yard where accused works we went to another grove where murderer was supposed to have gone.
We found no tracks -Did not see accused there.
I ran out to main road 100-120m. Possible now shown me is correct "G".

DW. Ahmad Badr. P.I. sworn (called by defence)

Xnd. Did not go with N. Goldman to inspect scene.

Mogauman for defence.

Submits no case to answer.

Court. Under that there is a case.

Accd. on oath.

No guilty of this of this act. Never met these men.

Did not have my house -never had either revolver. Work for Haj Abdul Rahman Hammad as biyari for 2½ years. Prior to that for Samara whose Grove I know is owned by Jews. Often in Hatikva through it every day from Salmeh where I live. Jews used to see me before riots. They knew me.

Arrested for another offence. Out of these witnesses failed to pick me out on a parade for that to the offence.

Was taken out in part of stat on for foot-prints. People at Hatikva saw me I was there 8-5.

Xnd. It is time these witnesses knew me before all Jews know me. Can't explain why then they didn't go and tell Police at once it was me. At the first parade another man although I was present.

Ct. I did not know any of these witnesses personally.

Now changes and says he did know them

Rex. Knew their faces before.

Dlo. A.H. Leaves. A.S.P. sworn.

Held identification parade for this case the accused not there. One witness said I believe this is the man. but "I am not 100% sure, as I was 100 yards away. This was when he touched some one else.

Dlo. Haj Abdul Rahman Hammad. sworn

Accused working for me 2 years 5 months as biyari. Honest servant.

Dlo. Ibrahim Saadi Zabalaoui. sworn

of

Merchant Jaffa. -Grove owner -next to that/first witness. Have not been there during strike-know accused for last 9-10 years- good character.

Dlo. Hassan Ilyatim. sworn

Known accused with him in biyara at beginning of riots.

On 2nd. day morning with accused about noon- we slept with families there.

Got up in morning together.

Heard no shots that morning. Accused had no rifle and never left me. Stayed together until sunset.

No Police came that day not till a month later.

Xnd.

DW. Ahmad Nour. sworn

Surveyor- Prepared plan "G" from official plans. Measurements correct. But is 180m. from main road done on scene.

DW. S. Schiff. A.S.P. Rurat sworn.

On 28th. July 36 or somewhere about. accused at P.S. Hatikva a man Turketaub said to me pointing to accused "This is the fellow" Accused was with 3 others. Told him to go away and ordered suspect Goldman to take charge -he was not arrested on that day.

I never took any parades on any occasion.

Ct. T.said.This is the man who committed the murder "Iwas not prepared to get on his statement without enquiry.I had to go out on another case.
No inspection.

Close of Defence

G.- All- on identity of witnesses.

Morganman for defence.

A framed case- witnesses could not possibly have identified Adj. for judgment to 21st 9 a.m.

R.C.

Resumed 21st.

Adj.for further evidence- Man wrongly identified by Turketaub to be produced.

Daoud Dahdah. produced before Court

Wit. Aff. Leaves. recalled.

This man Daoud Dahdah was picked out by the witness Turketaub He was not a suspect only brought in to form parade.

No question

Judgment.

Guilty as charged

See separate judgment

Allocutus. I know nothing

Sentence. Death according to Law.

R. Copland.

١٩٣٦ / ١٠ / ٢٠ /

ضبط جنايات كبرى ٣٦ / ٢٥

الرئيس = المستر كويلا ند

القاضي = المستر شو

حضر ترجمان المحكمة شكرى افندى المهندى والمستر بارت

والكاتب حنا مارون

حضر من النيابة المستر روز وكيل النائب العام واستحضر المتهم وحضر المحامي مغنم افندى مغنم

بموجب وكالة مؤرخه / / / ٣٦ / نمره للدفاع

حضر المحامي بصفته مدعي شخصي عن ورثة المندور ان بموجب وكالة مؤرخه

/ ١٢ / ١٠ / ٣٦ / وقدم استدعا بين دعوى يطلب بكل منهما / ٢٥٠ / جنيه والرسوم

المتهم + يوسف حسن قنديل

تلي اتهام النيابة حسب الاصل

سئل المتهم عما نسب اليه اجاب غير مذنب

~~الرجل المسمى جوليان كاسيار اجاب القسم ان المندور رابور للفحص عندئذ وجد جرحا في~~

ادخل الدكتور جوليان كاسيار وفي القسم اجاب +

فحصت زيلك ليفنزوف وفيما بعد عرفني عليه وله . لقد عملت رابور للفحص عندئذ وجدت جرحا في

الجهة اليمنى من الجهة الخلفية من الصدر والجرح اخرجت الرصاصه من الجهة اليسرى من الصدر،

بغرب التدى وقد مرت نفس الرصاصه من القسم الاعلى من ذراع المندور ايضا ، وقد وجدت قطعا من -

الرصاص في الجرح من ذراع المندور الايمن . وقد اعطيت هذه القطع لادارة مستشفى هداسا التي -

اعتقد انها نقلتها الى هنا . اعتقد ان الجراح تسببت بطلق نارى واحد وقد اخترقت الرصاصه الرائتين

والغالب سببت تفجرا فيه - وكان تقسيم القلب هو سبب الوفاة . وسنفس التاريخ فحصدت جثة شلومو -
موريسون ، لم اراه وهو على قيد الحياة ، لم اعرف الجثة بوقتها انما اخذت لها صورة شخصية عرفته
عليها فيما بعد .

هذه هي صورتي القتلين رقم / ٥ / هي صورة زيلك ليفنزوف رقم / ٣ / صورة شلومو موريسون لم اراه -
وهو على قيد الحياة لم ارف الجثة بوقتها انما اخذت لها صورة شخصية تعرفت عليها فيما بعد .
هذه هي صورتين القتلين رقم / ٥ / هي صورة زيلك ليفنزوف ورقم / ٣ / صورة شلومو موريسون ، اشير
الى الصورة بحرف / ٦ /

واما موريسون فوجدت جرح مسببا عن رصاصة في اعلى ذراعه الايمن بقرب الكتف . وقد وجدت بظهوره
ايضا جرحين من جراح العطية كان الرصاص قد اخرب بالعطية وكانت سبب الوفاة نزيف داخلي .
لم يكن هنالك اى جرح حرق حوالي الجرح في الحالين . اما في حالة ليفنزوف فكان بعض
في لون اللحم حول الجرح .

س . ج . لقد قلت لقاضي التحقيق بانه كان هنالك . كان هنالك حرق طفيف في جرح زيلك وحرق آخر في جرح شلومو موريسون لا استطيع ان اقول فيما اذا كان القواص وقع من نفس البقعة وكل ما اقله ان القواص لم
يقع من محل قريب لانه لم يكن ممكن ~~ممكن~~ حرق في الجروح .

ليب ليفنزوف في القسم = انا ابن القتل زيلك ليكنغوليفنزوف اذكر / ٢٠ / ٤ / ١٣٦

كنت انا وليفنزون وموريسون نسوق عربة الى كولونية هانكا ، وكنا محطمين بعض العفش على الكاره وكان ذلك
 ذلك ما بين التاسعة والعشرة صباحا . وقد كان ابي يسوق الكاره وكنت انا اسوق .

س . ج

كان ابي يسوق وكنت انا على جهة وموريسون على جهة اخرى وفي الطريق قوسطينا . فاصابت الرصاصه
 الاولى موريسون فصاح ساعدني يا ليفنزون وبينما ابي يساعد موريسون اطلق آخر فاصاب والدي بالصدر
 ثم حاول الرجل ان يطلق النار علي فهربت . رأيت المعتدى واقف بقرب كوخ خشبي خلف الكاره .
 كنت انا الى يحيى والدي وكان موريسون الى يساره . وقد اطلق المعتدى النار من خلف الكاره الى
 جهة موريسون ، وقد كانت المسافه بيني وبين المعتدى نحو خمسة عشر مترا وقد رأيت وجه المعتدى . بعد
 ان قوس علينا هربت من وجه المعتدى ولم افرّ نحوه . لم اكن اعرف المعتدى قبل ذلك اليوم . اعرفه فيما
 لورائته في المحكمه بشيربيد ، الى المتهم الموجود في القفس . لم ادقق في ملاسبه بوقتها لانه لم يكن
 عندي الوقت ، ولا استطيع ان اقول اذا كان يلبس ملابس اوروبية او شرقيه ولا استطيع ان اقول اذا كان
 يلبس طربوش ام لا . لقد قوس مرة على والدي ومرة اخرى على موريسون .

ومرتين علي ولم يصيبي انا . وقد رأيت المتهم مرة اخرى في التشخيص وقد كان بين آخرين فاستطعت التعرف عليه .

لم اعد الى حي هاتكا . لقد اخبرت البوليس بالحادثه بنفسي والاسبوع وليس بنفسي الوقت . لقد اخذت جثة والدي الى مستشفى هادا سا . اخذت والدي مورسون سوية .

س . ج

عند ما اطلق العيار الاول كانت الكاره واقفه . كانت محطة بالعفش وعلى وشك التحرك .

لقد كنت انا واقفا بقرب مورسون وكان العفش محملا ورائي . كان والدي جالسا وانا واقفا بالقرب من مورسون . اقول الآن اني كنت واقفا بالقرب منه .

كنت واقف ومتخبي* جهة والدي من الجهة اليمنى . وقد كنا لوحدهنا في الكاره ولم يكن هناك شخص

آخر . ولم يكن دافيد مندل . اعرف الشخص المدعو دافيد مندل ميلخ وقد رأيته في ذلك الصباح .

وقد رافقنا مع الكاره لنحمل العفش الا انه رجع من نفس الطريق . لا اذكر فيما اذا كنت اعطيت

افاده للبوليس ام لا . لم اخبر البوليس بان دافيد مندل ميلخ وانه فر .

س . ج

هذه اضائي الموقعة في ذيل تحقيق البوليس .

افرا* هذه الافاده واخبرني فيما اذا كنت

هذه الافاده مكتوبة بلمغة لا اعرفها .

ملاحظة سعادة الرئيس - من الغريب في هذه البلاد ان الضباط يأخذون الافاده بلغة يجهلها الشاهد
 ابرزت الافاده واشير اليها بحرف (ب)

س . ج لا اذكر اني علمت غير الذي علمتها الى البوليس . اذكر اني اخبرت البوليس انني اخبأت نفسي
 خلف الكوخ .

وقد كانت خلف الكاره في جهة الكوخ وكان رأسي مغطى من الكوخ . قد قفزت من الكاره -
 واختبأت خلف الكوخ . لقد درت حول الكوخ وواجهته وجها لوجه .
 وقد رأيت الرجل ولكنه حال دون الفرار .

س . ج لم ار احد في الجهة الذي وقع بها الجرم سوى واهبي وموريسون والمتهم . لم يكن دافيد معنا ،
 عندما وقعت الكاره بقرب الكوخ وقد كان الرصاص متجها لجهة الاسفلت وكان بإمكانني ان ارى الاسفلت
 من مكانتي حيث وقعت . ولا استطيع ان اقول اى البسة كان يلبسها المتهم لاني كنت هوقتها مهتاج .
 لربما اخبرت قاضي التحقيق بان المعتدى كان يلبس البسة اوروبية او لربما اخبرت البوليس ذلك
 ايضا ولكن كل ما اعرف انه كان لا يس بنطلون ولا اعرف اذا كان يلبس بنطلون اوروبي او مدني .
 ولا استطيع ان اتذكر لون البنطلون . لقد قات للبوليس بان لون البنطلون اسود .

Handwritten text in Arabic script, likely a manuscript or letter. The text is written in a cursive style and is mostly illegible due to fading and blurring. It appears to be a single paragraph of text.

ولكنني لم اخبر البوليس انه كان يلبس لباسا اسود على رأسه .

اذكر اني زرت مكان الحادث بعد وقوعه بضعة ايام . لقد ذهبت برفقة البوليس لفحص المكان . وقبـد
كان ذلك على ما اعتقد بعد / ٧ / او / ٨ / ايام من وقوع الحادث . ولا اعرف فيما اذا البوليس —
وجد اثار اقدام ام لا وكان مفتش البوليس جولدمان معي . وقد دخلت معه الى البياره الذي يقطنها
المتهم . لقد ارانا الناس بياره في تلك الجبهه . ولا اذكر دخولنا الى بيت شخص مشلول عنها .
ولا اذكر اني رايت المتهم في ذلك اليوم .

ولا اعرف الرجل الذي دلنا على البياره . ولكنني لو رايت هذا الرجل الذي دلنا على البياره لعرفته .
لم ار دافيد مرة اخرى الا عند قاضي التحقيق . لم اصاف تورتلدوف في التشخيص . لقد ذهبت —
لتشخيص المتهم مرتين ولم اتعرف عليه في المرة الاولى لم اذكر حادثة القتل هذه لاي شخص سوى
للبوليس وكم المحكمة .

سج لم يكن المتهم موجودا في التشخيص الاول ولم اتعرف على اي شخص كقاتل والدي ، ولكنني في التشـ
التشخيص الثاني تعرفت على المتهم ساعة رايتـه . ولم اكن قد رايت المتهم ما بين يوم الحادثـه
والتشخيص الثاني .

البمبلج نوركلنوف غب القسم .

اذكر تاريخ ٢٠ / ٤ / ١٣٦٦ ، واذكر اني سمعت صوت طلقات نارمة . كنت امشي برفقة صديقي اشنارتمان ، وقد سمعت صوتا فساكت رفيقي هل هذا قواص لم لا ، نظرنا الى بعضنا البعض ، دلني على شخص كان يطلق النار ، هرب اشنارتمان ، وانا القيت نفسي في الخندق لم ار سوى المعتدى واشنارتمان ولم ار اى شخص اخر ، وقد رايت بين نعزون يجرى نحونا وقد رايت الرجل الذى يطلق النار فكان عرييا وقد عرفته ، وهو البم في قفس الاتمهلم هذا هو الرجل وانشار اليه . وقد كان هذا العربي يطلق النار من بندقية . وقد رايت ايضا كسرة في تلك الجهة . وكان هنالك كوخ خشبي بالقرب من الكسرة . وكان الكوخ يبعد من ٢٥ - ٣٠ الى ٨٠ متر من الطريق التي كنت انا اقف عليها . وقد كان الرجل المعتدى واقفا بالقرب من كوخ الخشب . وكان المعتدى يقف ما بين الكوخ الخشبي والكسرة وكانت الساعة نحو العاشرة صباحا . كنت يوم اتناول طعامي في محل هاتكها تجاء البوليسر سمعت صراخا فرايت المتهم يخرج من نقطة البوليسر وكان هذا في شهر تعوز فتركت طعامي واتجهت لدائرة البوليسر ولم يسمح لي احد بالدخول وقد اخبرني هذا البوليسر ان المستر شيف لديه تفتيش ولا يمكنني الدخول قبل الا تنهسا من عمله . ثم عاد المتهم ودخل .

نقطة البوليس وخرج عليه المستر شيف ثانيا . وبعد انتظار نحو ٣ دقائق وهناك
اخبرت المستر شيف . فاخبرت بان الرجل الذي ترك قاعده فلما قلت له ذلك
قال سناخذل منا لياقا للتحقيق بالامر . طلبت للحضور لياقا وهناك رايت اشتارتمان
وشخص اخر وحيث انني متاخر لم اشترك بالتشخيص . طلبت لياقا ثلاثة مرات . لقد
حضرت تشخيصا اخر واشتريت قائلا هذا يشبه المتهم ولكن لست متأكد انه هو ولكن
هذا الشخص الذي اشير اليه وقع قبل ان اعرف على المتهم في حي هانكا . لم يكن
المتهم في التشخيص الاول . كانت هذه المرة الثانية التي قابلت بها المتهم فسي
هانكا عندما كنت اتناول الطعام . وتعرفت عليه في الدقيقة التي رايت فيه ترك النقطة . وانا
متأكد بان المتهم الذي في القفص هو ذاك الشخص .

سئله القاضي سر انا اعرف انني اعلم محكمة عدل . لا يمكنني ان ادل على شخص انه
قاتل وهو برئ .

نعم قلت للمحكمة بان رفيقي جلب انتباهي الى اطلاق النار واتي القيت بنفسي الى الخندق
بالرغم من اني كنت في الخندق كان يمكنني ان ارى كل ما يحيط بي .

كنت واقف على طريق عمومية . وما بين الطريق التي كنت واقف بها والمكان الذي وقع فيه القواص هناك وادى الا انه عميق . ان المسافة ما بين المكان الذي كنت واقف فيه ونحو الكوخ الخشي نحو ٧٠ - ٨٠ متر .

لا اذكر اني قلت الى البوليس بان المسافة تبلغ نحو ٥٠ متر .

س - ج

الذكر اني اعطيت الاممادة الاولى للبوليس بعد نحو شهر والتوقيع على هذه الاممادة المبرزة هو توقيعني ابرزت الاممادة واشهر اليها بحرف () .

لقد كنت رايت اعلانا عاما يقول من راي حادث قتل هاتفا ليايني الى دائرة البوليس وقد صادف وقوع هذا الاعلان بعد الحادثة بامرعة ايام . ولم اذهب للبوليس لاخبره عن الحادثة قبل مضي ٢٥ يوم عن الحادث لاني اكره النضي لدائرة البوليس . ثم فحسوت فكسرت لاني رايت خروج علي اعطاء هذا الخبر . وقد كنت اعلمت اصحابي بما رايت . لم تكن المسألة اقناع بل انا ذهبت بنفسني ولم يقتضني اصحابي .

س -

الم تكن تخشى ان تاتي لك بعض العيارات وانت تنظر من الخندق . . .

ج -

كنت بوضعية تجعلني من النظر والاختباء .

س - ج

اختباء في الخندق بعد سماع القواص من شدة خوفا ومن مسافة ١٠٠ متر كنت استطع ان ارى البسة المنهم .

لقد كان ماسكا بتدقيبة في يده يقبض بها ، سمعت طلق او طلقين قبل الدخول الى الخندق سمعت نحو ٣ طلقات وانا فيه ، والمجموع نحو اربعة او خمسة طلقات ابتدأت بالصراخ عندما سمعت اطلاق النار ، لقد بدأت بالصراخ عند سماع القنابل ولما سمعت ليفزون يطلب مساعدتي طلبت اليه ان ياتي نحوي ، ولم اذهب معه لافخذ والده الى المستشفى ، نعم بعد ان صرخت حضر موسى الى موقع الجرم ولم اترك الا بعد حضور بعض الناس ، لم ياتي البوليس الى مكان الواقعة الا بعد ان تركت الخندق ، وكان حضر نحو ٤ او ٥ افراد من البوليس الذين حضروا اخبرت افراد البوليس اني رايت الشخص الذي اطلق النار ولما سألوني ارئتهم البيارة ولم ياتخذوا اسبي ولكنهم اتجهوا نحو البيارة ، ولم ياتخذوا مني تفاصيل بالرغم من اني قلت لهم اني رايت الشخص الذي اطلق النار ، ولقد كنت مهتاجا لا اذكر من هؤلاء الا افراد وبدون شك كنت اكثر احتياجا عندما المعتدى كان يطلق النار .

لم اكن اعرف ليفزون قبل ذلك اليوم ، ولم اعرف اسم العذر الا من الجرائد ، لم اذهب الى ابن العذر لافخيره بانني قد كنت رايت قاتل ابيك ، لم اقبل ولم اتحدث مع ابن العذر فيما بعد ، وقد اعطيت افادة في تل ابيب .
اعطيت افادتي الاولى لمجلس بلدية تل ابيب ومن ثم بعد بضعة

ايلم اعطيت افادة لدائرة البوليس ، وقد كان المتهم عندما راىته يلبس طاقية
صوف على راسه وجاكيت اسود وسروال ابيض . وقد رايت ذلك من الخندق ، لا
اذكر قد يكون رايت المتهم في هاتكها وانا اتناول طعامي في اوائل شهر تموز او غسي
اواسطه .

هذا هو توقيمي على الاعادة التي اخذت على اللغة العربية اشير اليها بحرف () .
كنت اظن حي هاتكها لكن لا اسكنها اليوم ، لم اشغل في بياره ولهذا لا اعرف
عبد الرحمن حماد ، اذكر البياره التي بالقرب من وقع الحادث ، ولكنني لا اعرف ذلك المكان
كثيرا ويمكن مررت مرتين احدهما يوم وقوع الحادث والمرتة الثانية اليوم الذي تعرفت عليه ،
دخلت الى نقطة البوليس واخبرتهم اني رايت القاتل ، دخلت البلاد منذ ثلاث سنوات .
لا اذكر فيما اذا قلت للبوليس الذي على باب النقطة التي رايت القاتل بل طلبت منه
ان يسمح لي بالدخول ، حاولت الدخول لكن البوليس منعني من الدخول .
لم اقل للمستر شيف ماذا يصنع بل قلت له انني رايت القاتل وكان ذلك
بعد خروج الرجل بنحو دقيقتين .

لا اعرف فيما اذا كان القى القبض عليه بحضور ام لا .
لا اذكر قلت للمستر ليفز بان الرجل الذي اشتبهت به بانني لست متأكد منه
لانه كان بعيد عني نحو / ١٠٠ / متر .

لقد وقعت على رايير التشخيص وهذا هو توقيمي . اشير اليه بحرف () .

تأخرت خمسة وعشرون يوما لذلك كنت اعتقد بأنه يوجد شهود أخرى وأنا لا أقراء
عبراني والجرائد لا تكذب إلا في العبرية .
لم أكن أعرف المتهم ولا بالوجه قبل أن أطلق النار .

س - ج

قـــرر

تقرر تأجيل القضية لبعد الظهر من هذا اليوم ٢٠ / ١٠ / ١٣٦ .

الشاهد ،
شاورو اشتار من غب القسم اجاب ، اذكر صباح ٢٠ / ١٠ / ١٣٦ كنت اتمشى برفقة
صديقي تروسلدوف بشارع هاتكفا سمعت صوت عبارات نارية اخبرت صديقي بانني اسمع
عبارات نارية فاجاب انهم يضربون العصا فقلت له انظر هذا الرجل فانه يقوس فقال
لي صديقي ابطح على الارض ، لم التفت الى قوله وركضت صائحا بوليس بوليس وقد
اتجهت نحو المكان الذي كانت تطلق منه العبارات النارية وانتبهت حتى لا تصيبي وركضت
نحو المكان الذي كان يقف فيه العدور رائينه واقفا في وسط الطريق فقلت له امسرب
اجاب انه خائف فقلت له ان الرجل ترك المكان الذي كان فيه ، رجع الى حيث كان
وساق الكاره زحمت القميس عن ليفسزون .

وكانت جثة ليفزون في الكاره كشفت القميص وجد الدم وقد كانت جثة موريسون في الكاره وكان موريسون يمكنه ان ينكمم وطلب المساعدة ولما وصلنا الى الطريق طلب (ما *) وبعد ثلاث نواني حضر مامور البوليس معه ثلاثة آخريين ولما تركوا المكان اريتهم حيث اختفى المعتدى ، رأيت المتهم بيومها ولم اكن رأيت قبله يشير الى المتهم بالقفص ، دعيت لسجن يافا لكي اعرف على المتهم ولكن لم اراه ولم اعرف عليه وبعد مدة دعوني مرة ثانية ، وفي التشخيص الاول لم يكن المتهم موجودا ولم اعرف على اى شئ ولكني تعرفت عليه بالمرّة الثانية .

كنت اركض نحو المتهم وكنت على بعد ثلاثين مترا وكنت انظر وجهه طول الوقتكى لا يطلق العيارات النارية وبعد بضعة ايام سمعت بان البوليس يفتش على شهود بهذه القضية فذهبت ونظرت البوليس ولم اخبر البوليس بوقتها لانى كنت خائف جدا وكنت مهتاجا وحائفا ولم اكن اعرف انه من الواجب ان اخبر عن القضية ، الجرائد بعد ذلك نشرت شئ عنها .

س . ج نعم رأيت البوليس في نفس اليوم الذى وقع فيه القواس واخبرته عن الجهة التى مرميها المتهم ولا اعرف اسما البوليس ولا اذكر ارقام الاربعة او الخمسة افراد البوليس ولم يأخذوا اسى . عطيت افاده .

10

اعطيت افادة في بادئ الامر في مجلس بلدية تل اببيبوعدين اعطيت افادة الى البوليس لم اعط لبلدية تل اببيب انما اخبرتهم اننى رأيت القاتل .
ابرزت الافادة واصر عليها بحرف (اى)

س . ج : اولا اخبرت البلدية بالحادث ثم جاء البوليس يأخذ الافادة فاعطينه الافادة وكان ذلك بعد -
الحادث باسابيع اعطيت البلدية تعليمات باننى رأيت شخصين يقتلوا وعند ما رأيت الكاره كانوا الاشخاص فيها
نعم كانوا شخصين فيها عندما قتلوا ولكن الابن ليفزون كان يركض على الطريق وكان ليفزون فر من الكاره عند ما
اطلقت عليها النار .

س . ج : اخبرت البوليس باننى رأيت الابن ليفزون يركض بالقرب من الكاره كمت ماشيا مع نرتلدف ولم اسمع
شيء قبل العبارات النارية وعندما سمعنا صوت الطلقات افترقنا فهربت انا نحو المعتدى وانبطح هو على الارض
اتجهت الى الطريق التى تؤدى الى داخل المدينة .

اتجهت اولا الى جهة الكاره ومنها الى المدينة ، الطريق فى تلك البقعة مستويه مكان الحادث هو الى
يسارى وانا منجه نحو المدينة . كيف استطيع ان اقول المسافة بين الكاره والطريق .

لقد تكان الشخص الذى اطلق العبارات كان واقف خلف الكوخ الخشبي وهذا الكوخ امام الكاره لقد كانت الكاره مابينى وبين القاتل وقد كان على الكاره عدة اشيا* وكنت استطيع ان ارى ذلك من المكان الذى وقعت به على الطريق ، لم ار منحويات الكاره قبل ان نمر على ، كان الرجل العتدى يقف بجانب وكان العتدى يقف امامى بجانب الكوخ وكان يقف فى زاوية الكوخ ولا استطيع ان اقول فيما اذا كان يخنبت وكان يلبس سروالا ابيض وحاكيت اسود وطاقيه صوف ، بين المكان الذى وقعت فيه ومكان الكاره هناك وادى لا استطيع ان اقول المسافة بينى وبين الوادى صار لى فى البلاد اكر من ثلاث سنوات ولا امر من تلك الطريق كثيرا ، كان ذلك اليوم مرتين للمرة الثانية فى ذلك اليوم .

اننى لا اسكن ولا اشتغل فى هاتيكها انما لى صديق هناك وله محمل طلب منى ان ازوره ، كنت راجعا من — هانكها وكنت راجعا وخائفا ومهتاجا ، وكنت اظن ان صديقى يتبعنى ولكنه تركنى .

سئل من المحكمه اجاب : كنت اركض نحوه لانى مضطر لان اصل الطريق وكنت انظر اليه وانتبه منه وانا متأكد انه هو هذا الشخص .

الشاهد فردريك استيفانسون بوليس بريطاني غاب القسم اذكر انني عملت تشخيص في ٨/١٠/١٩٣٦ لقد

عملت وقتها رابور بالحالة ولقد كان اثني عشر شخص آخرين غير المتهم وقد كان اول شخص دعي للتشخيص
شاوول اشقاء رشن مـر على الخط عدة مرات نظر الى خط التشخيص بضعة دقائق ونظر الى خط -

التشخيص نحو دقيقة ونظر الى نمرة (٧) وتعرف على المتهم قال المتهم بوقتها هذا الشخص يعرفني من
مدة طويلة ، طلبت من المتهم ان يختار المكان الذي يريد لنفسه قبل حضور الشهود اختار المحل السابع
وقبل ان يوتي بالشاهد الثاني عرض على المتهم ان يغير مكانه ان اراد واخذ رقم (٩) وتقدم الشاهد بعد
ذلك وتعرف عليه فقال المتهم هذا الشخص يعرفني لاني كنت في الكولونيه واشتغلت فيها مدة .

س . ج . نظر اشقار من الاول الى المتهم نحو دقيقتين ثم ذهب وتعرف عليه ولم اكن بظني ولا اعرف اذا عقد
تشخيص آخر فيما يتعلق بهذه القضية ولم يعط للشهود فرصة لينظروا المتهم واعتقد انه الفى القبض على
المتهم قبل التشخيص ولا اذكر شخص يدعي نرتل وف تاخر عن التشخيص وكيل النيابة اجاب تمت دعوى .
وكيل الدفاع شاهدين من النيابة كشهدى دفاع .

ادخل الضابط المستر كولدمن غيب القسم اجاب . في ٣٦/٨/٧ القيت القبض على المتهم الحاضر لقد كان هناك شخص آخر منهم مشكوك فيه وعمل له تشخيص قبل التشخيص الذي عمل للمتهم الحاضر ولم اكن حاضر عندما انتفى احد الشهود بهذه الدعوى شخصيا آخر في تلك الدعوى ، في اليوم الذي القى القبض عليه المتهم كان مشكوك فيه بما يتعلق بتهمة اخرى وكان هناك نحو خمسين شخص مشكوك فيهم وقد ابقى بنقطة بوليس - هانكفا مدة من الزمن كان هناك عدة اشخاص هم ولم يؤخذ المتهم للشغل وكان احد الخمسون طلب منهم ان يعيشوا في البيارة وتركوا انزروكنا نخرج (٧) او (٨) في كل وقت ولم يكن يطلب من المتهم ان يسقى الاشجار احضر للنقطة الساعة ٩ صباحا واخلى سبيله في الساعة ٢ بعد الظهر نفس النهار لم نبقى المتهم في نقطة بوليس هانكفا ولما القيت القبض عليه ارسلته الى سجن يافا ولم اعالج هذه القضية فيما بعد وقد اخذنا اثار اقدامه وعلنا تشخيص قبل ان يرسل الى سجن يافا وفي اليوم الذي عملنا فيه تشخيص للكلاب وتشخيص للتعرف وكان نحو خمسين شخص وكان بامكان هولاء ان ينظروا المتهم وغيره ولقد عملنا التشخيص بتاريخ ٣٦/٨/٧ بتاريخ القا القبض عليه .

التشخيص الذى اشير اليه هو بما يتعلق بقضية اخرى لقد خرجت الى المكان لفحصه مع آخرين ولقد كان الابن ليفزون معنا ولا اذكر اذا كان اشغارت من وترتلدوف معنا فذهبنا للمكان الذى فيه الكوخ نحو خمسة ايام من وقوع الحادث ولكن لم اذهب للبيضة الذى يشتغل فيها المتهم لم افتش تلك البيارة بيومها .

لقد ارانا المكان الذى هرب فيه الشخص وكانت غير بيارة المتهم وقت انا على باب البيارة ودخل احد افراد البوليس لينظر اذا كان يستطيع ان يرى آثار اقدام لم يجد هذا البوليس اى آثار ولم اكن اعرف المتهم قبل ذلك اليوم ، ذهبت الى الوادى (الخندق الصغير) الذى بين الطريق والكوخ ، ولم اجد هناك كتدرة ولم يجد البوليس مثل هذه الكتدرة ايضا .

اعرف المكان الذى وقعت فيه الجريمة ان المسافة بين الطريق والكوخ نحو ١٠٠ او ١٢٠ مترا من الجائز ان تكون المسافة ليس ١٢٠ مترا بل ١٨٠ مترا .

سأله محامى الحكومة لقد كان المتهم تحت الحفظ قبل تاريخ ١٣٦/٨/٧ بتاريخ ٣٦/٨/٧ الصبح جرى تشخيص اقدام وبعد الظهور القى القبض عليه حسب التعليمات .

احمد اف بئر ضابط بوليس غب القسم .

لم ارافق المستر فولدم بتاريخ ٢٠/٤/٣٦ ولم اروح .

بطلب المتهم تحلف القسم وبالسؤال اجاب ليس لى علاقه بهذه التهمه تهمه القتل وليس عندى خبر ولم اخرج من دارى وما عمري جعلت فرد او مارتينه وبوقتها كنت اشتغل فى بياره الحاج عبد الرحمن حماد وانا بياريه وصار لى معه نحو سنتين ونصف وقبل ذلك كنت بيارى فى بياره سماره والان صارت لليهود .

س.ج. = لما كنت اشتغل فى بياره سماره لم تكن هاتكفا بعد وهاتكفا صارت عندما كنت اشتغل فى بياره حماد وانا بيارى فى بياره عبد الرحمن حماد كنت كل يوم - اروح من البياره الى سلمه واروح واجى وامر من نصف هاتكفا ودائما اليهود ياثون لعندى فى البياره والناس الساكنين فى هاتكفا يعرفون ويعرفون وجى وكانوا القوا القبض على فى بوليس هاتكفا بخصوص تهمه غير هذه التهمه وعملوا لى تشخيص بعد ما اوقفوني ٤٨ ساعه وان الشاهد الثانى كان شخصى . قبل ما يلقى القبض على بهذه الجنايه وتوفت ٤٨ ساعه لما اخذوا بصمات رجلى وكانوا يمشون امام الناس وكل الناس تعرفنى هناك وكنت اجلس عند يهوديه وترمان والكل يعرفنى .

عند ما كنت هناك ومرونى رايح جاى كانت الناس ترانى وبعيت من الصبح الى الظهر .

س.ج. = الشخص الطويل توركلتوف كان شخصى ولم يعرفنى ولا اعرف اذا كان هذا الشخص يعرفنى من الاول ام لا .

انا قلت الى البوليس الانكليزي ان الشخصين الذي جا يشخصاني انهما يعرفاني من الاول .

س.ج. = كل اليهود في هاتكفا يعرفوني وتورككوف يعرفني ايضا .
في التشخيص الاول توركلوف لم يعرفني بل تعرف على احمد طباره وهو موجود في السجن . كان حضر يهود للبياره وطلبوا ما فلم اعطهم ما . هذا اذا صرفنا النظر عما انا عربي وهم يهود .
سألته المحكمه . = الأشخاص الذين شهدوا على اليهود كنت اعرف احدهم بالوجه وهو بن المقدور وليفزون وشتاين .
في التشخيص الاول حضر احد الشهود وتعرف على شخص اخر وكان التشخيص تحت اشراف المستر ليفز .

المستر ليفز غيب القسم .

كنت عملت تشخيص بدعوى قتل لكن هذا المتهم لم يكن فيه الشاهد الثالث الذي جا بوفتها دل على شخص يدعى داود وقال اعتقد انه هو هذا الشخص ولكن لست متأكد لاني كنت ابعد عنه نحو ١٠٠ متر عندما نظرت .

لاستطيع ان اذكر اذا كان الشخص الذي دل عليه توككوف يشبه هذا المتهم العالي ام لا .

عبد الرحمن اف حاد غيب القسم . =

اعرف المتهم وهو صار له عندي يشتغل سسنتين وخمسه اشهر وهو بيارى عندي وهو في المده التي اشتغل بها عندي وجدته امين ورجل طيب لم اسمع عنه شيء .
لاسوال للنيابه .

ابراهيم سعدى زعبلأوى غب القسم . =

انا تاجر فى هذه البلده ولى بياره مجاوره لبياره عبد الرحمن حماد واروح
الى بيارى لأنفسهما وكنت ارى المتهم هناك والله واعرفه من يوم ما اشترت
البياره منذ ٩ سنوات . اخلاق الرجل اى المتهم طيبه .

حسن حسن اليتيم غب القسم . =

اعرف يوسف . كنت معه فى البياره لما بدا الاضراب . لا اعرف بالتواريخ بل اعرف
ثانى يوم . ثانى يوم كنت مع المتهم الصبح نحو قريب الظهر . عند الصبح كنت
موجود معه فى البياره ونحن ننام فى البياره وبعد ما استيقظنا من النوم اجتمعنا
سويه فى الحوض . ولما كنا يومها فى البياره لم اسمع قواى قواس ولما
كنت قاعد مع يوسف لم اراه حامل مرتينه ولم يتركنى . وبقينا سويه بعد
المغرب ومن ثم كل منا ذهب عند عياله ونام . بعد شهر وزياده حضر البوليس
يسأل عن المتهم .

سأله النيابة . = انا ويوسف وشخص يدعى برجس قضينا النهار سويه .
ثالث يوم الاضراب وكل مده الاضراب كنا سويه ولما صار ضرب المتولين حضر
البوليس وطلب منا ان نترك المحل ولا اذكر متى كان ذلك .
س.ج. = بعد ثانى يوم الاضراب بجمعه سمعنا صوت قواس بالليل .
احمد افد الديماطى غب القسم .

انا مساح وانا الذى حضر الخارطة هذه نقلتها وهى طبق الأصل والله والمعايير
بالضبط عملتها . ابرزت ونشرت () .
س.ج. = اقرب مسافه (١٨٠) متر للطريق
لا يوجد سؤال للنيابة

الشاهد قال الى سيف عن المتهم بأنه رأى يطلق العيارات النارية لكن سيف لم حول الامر الى المفتش كولد مان ليتخذ الاجراءات القانونية ، ومن النقاط الذي ذكرها الدفاع امام المحكمة هو الشك الذي جرى بخصوص -
التشخيص ، امامنا شهادات بان احد الشهود تورتلوف تعرف على شخص وقال انه هو الذي اطلق العيارات ولكنه لم يجزم وذلك قبل ان يتعرف عليه في هاتكفا الشخص الذي تعرف عليه دون ان يجزم فيه هو داود دحدح استحضرت المحكمة داود دحدح لتري درجة التباين بين المتهم وبين دحدح المذكور وبعد ان ناقشت بهما -

المحكمة اقتنعت على انه يوجد تشابه قوي بينهما وذلك في نقاط عديدة كالعلاج وعظام الوجع البارزة وتكون الوجه غير ان الفرق في النارب فقط ، واذا ابقينا في يالنا بان الشاهد تورتلوف كان على مقربة / ٨٠ / مترا من المتهم علما القيمة التي تعلن على شهادته وقال هذا الشاهد بكك ايضا ان الصافة هي مائة مترا ولنقرض انها اكثر فاني مقتنع بان تورتلوف قال بان الشخص الذي رآه هو المتهم وقال ذلك بحسن نية .

الاحد الثالث اشتركان قال انها هي المرة الاولى التي ذهب فيها الى صديقه تورتلوف الذي قال له انه فتح مصنع جديد وانه حضر لعنده ليكشف على المصنع وايد حكاية صديقه من انه راي الشخص الذي يطلق العيارات وقال ايضا انه ذهب ليستجد في البوليس وقال انه اضطر ان يركب لجهة المتهم وان الصافة كان بينه وبين المتهم اقرب بكثير من الصافة بين المتهم وتورتلوف وانه وهو راكبا كان ينظر الى المتهم ويراقبه خشية ان يطلق الرصاص عليه وانه تعرف على المتهم في التشخيص الثاني لان المتهم لم يكن حاضرا في التشخيص - في الاول ، قال الضابط الذي كان مشرفا على محضر التشخيص ان الشاهد بعد ان تفرس في الاشخاص حالا تعرف على المتهم .

قال المتهم ان هذا الشخص يعرفني من مدة طويلة وقد فاني ان اذكر بان الشاهد ليفنسون هو اول الشهود الذي كان بإمكانه ان ينظر جيدا الى المتهم وقال انه بينما كان يركب الى الكوكب البوليس اصطدم مع المتهم والصافة بينهما كانت من / ٦٠ / الى / ٧٠ / مترا وانه كان يتفرس بالمتهم وانه ليس هنالك ادنى شك من انه مطلق الرصاص .

هذه بينات النيابة اما بينات الدفاع فهي عبارة عن انكار تام واما الشهادات الواردة لحضر المتهم لم تكن مرضية وان المسلك الثاني الذي سلكه الدفاع وهو الطعن في التشخيص من ان الشهود كانوا راوا المتهم وان المتهم اخبر الى هاتكفا لتطبيق اثره فان الشهود انكروا بانه راوه سابقا ولم يقولوا انهم شهدوه عندما اخبر من مركز بوليس هاتكفا لتطبيق اثره .

ان المسئلة متوقفة على المحكمة في ان تصدق الشهود ام لا ، المحكمة سمعت الشهود وراقبت مسلكهم والدفاع لم يتمكن من ان يزعم شهادة شاهدين على الاقل وليس هنالك ما يحملني على الاعتقاد بانه جرت مؤامرة ليقعوا المتهم بحسبة وربما تقضي على حياته وقد تراءى لي انه بان الشهود كانوا من الطراز الطيب ونحن نصدقهم - عليه فان المحكمة ترى ان المتهم مذنب بانه قتل ذلك ليفنسون وتلومو مورسون عن سابق تصور وتسليم وفقا -

سند
عبدالم
سليم
ابو لينة
ضمد
الناظر
العالم

...
 ...
 ...
 ...
 ...
 ...

وفقا للمادة / ١٧٠ / من قانون الجزاء العثماني ونقسم على الاصول / ١٠ / ١١ / ١٣٦٠

رئيس

قاضي

مثل المتهم عما يقوله يمنع صدور حكم الاعدام بحقه فاحاب انا لم اقتل وليس معي خبر .

الحكم

المحكمة وجدت مذنب بناء على بينات صريحة كل الصراحة واقدمت على قتل شخصين بصورة لثيمة بدون ان
يوذياك عليه فان حكم المحكمة هو ان تؤخذ من هنا الى السجن وحيث اتيت ومن ثم تؤخذ الى المكان -
المعد للتنفيذ وهناك تعلق من عنقك حتى تموت وبعدئذ يصدر التعليمات من المحكمة في كيفية دفن جسدك
والله يرحم نفسك / ١٠ / ١١ / ١٣٦٠

رئيس

قاضي

المحامي هاراي - قال اطلب الحكم بالتضييعات الشخصية وهي الدية واني وكيل عن المستدعيان بصفتهم ورثة
العقدوران .

قرار

تقرر المحكمة النظر في هذا الطلب الى الدورة الجزائية القادمة ونقسم / ١٠ / ١١ / ١٣٦٠

رئيس

قاضي

المستر شيف مساعد فومندان بوليس بافا غب القسم . =

في نحو ٢٨/٧/٣٦ كان المتهم في نقطة البوليس عندى . لا استطيع ان اقول
الى القبض عليه في سلمه منذ نحو ١٢ يوم كان المتهم مع ثلاثة اخرين
عند في النقطة دخل توكوف على وقال هذا هو القاتل قلت له ان ينهب
وساؤولي الامر انا واعطيت تعليمات الى فولمان ولم الى القبض عليه بيومها
قبل ذلك كان في نقطة بوليس هاتكفا . قبل تلك المره لا استطيع ان
اقول اذا كان في نقطة بوليس هاتكفا ام لا . ولا اذكر اني خرجت به من النقطة
للتشخيص او اخذ اثار اقدام .
لاسوال للنيابه .

سأله المحكمه . لم اكن مستعداً لأصق توكوف في حينها وقد كان
المتهم داخل النقطة عندما دل عليه توكوف ولم يكن قد ترك .
لم يكن هناك تفتيش بذلك النهار كان على ان اترك
ان اخرج بمناسبه اطلاق النار وكان على ان اخرج حالاً .
وكيل النيابة ووكيل الدفاع الى كل منهما خطابه الى المحكمه .
تقرر تأجيل اعطاء القرار لنهار غد صباحاً وتفهم
٩٣٦/١٠/٢٠

== مستحقا بید الذکر بیایو را اعضو عالمه بیست مستحقا

زکاة را مستحقا لا . عند بیایو را مستحقا لا . ۱۷۱۸۲۶ مستحقا را
مستحقا لا . مستحقا لا . مستحقا لا . مستحقا لا . مستحقا لا . مستحقا لا .
مستحقا لا . مستحقا لا . مستحقا لا . مستحقا لا . مستحقا لا . مستحقا لا .
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مستحقا لا . مستحقا لا . مستحقا لا . مستحقا لا . مستحقا لا . مستحقا لا .

مستحقا لا .

زکاة مستحقا لا . مستحقا لا . مستحقا لا . مستحقا لا . مستحقا لا .
مستحقا لا . مستحقا لا . مستحقا لا . مستحقا لا . مستحقا لا . مستحقا لا .
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مستحقا لا . مستحقا لا . مستحقا لا . مستحقا لا . مستحقا لا . مستحقا لا .

اخذ المستر ليفز مره ثانيه وتفهم انه لا يزال تحت اليمين .

هذا هو الشخص الذي تعرف عليه تور كلتوف اثناء التشخيص
وهو يدعى داود الدحج ولم يكن من المشتبه بهم ولكن
احضر وكان من جمله الأشخاص للتعرف عليهم

ملاحظه . = اوقف داود دحج قرب المتهم وتاملت المحكمه بهما .
لا يوجد سوال للمتهم .

القرار

(77)

.....

.....

.....

.....

النائب العام ضد يوسف حسن قنديل من يافا

- القرار -

اتهم يوسف حسن قنديل بأنه / ٢٥ / ٤ / ١٣٦٦ في هاتكفا اطلق الرصاص من بندقيته عن سبيل تصور وتصميم على زميلك ليفنسون وشلومو موريسون فقتلها وكان هذا كما يذكره الناس ثاني يوم الاضطرابات . لا شك ابداً ان هذين اليهوديين قد قُتلا بحيث كل منهما قُتل برصاصة اطلقت من بندقية وقد اخترقت رصاصة رئة الاول وقلبه وتوفي على الفور، وما الثاني فقد جرح برصاصة اخرى وادخل الى المستشفى وتوفي على اثر عطية جراحية اجريت له كما وانه ليس هناك شك بانهما قد قُتلا بينما كانا على كارة اثنا نقلهما عفر من هاتكفا الى تل أبيب .

ان الشهادات الرئيسية بهذه الدعوى هي ثلاثة شهود اتادوا انهم شهود عيان للحادث والاول هوليب بن زميلك ليفنسون ابن القتل قال بأنه هو ووالده وموريسون كانوا على وشك الذهاب بعمرتهم فاطلق الرصاص عليهم واصيب والده وما تككيرا فورا واصيبه طلق ثاني فاصاب موريسون وانه شاهد المعتدى عندما هرب وكان يبعد عنه مسافة / ١٥٠ مترا وانه يمكن ان يرى ملامحه وقال جازما ان القاتل هو المتهم الحاضر وما لا شك فيه ايضا وقهم من محضر التشخيص ان الشاهد تعرف على المتهم الحاضر بدون تردد وان العاقر المشرف على التشخيص هو رجل اختصاص بهذه المهنة وله خبرة واسعة بها وان التشخيص حصل بكل انصاف وعندما تعرف هذا الشاهد على المتهم الحاضر قال المتهم انه يعرفه بأنه يشتغل في البيارات المجاورة للمستعمرة من مدة طويلة ومن المسلّم به ان هذا الشاهد لم يكن من الشهود الطبيعيين وانه صغير السن وكان بحالة اضطراب عصبي وعدم اعطاء الشهادة بصورة مرضية امام المحكمة هو بهذا السبب وقد كان هناك محضران للتشخيص لم يتعرف على المتهم في الاول ولكنه تعرف عليه في الثاني ولم يكن المتهم حاضرا في طابور التشخيص الاول وقد قال هذا الشاهد ايضا انه لم ير المتهم قبل الحادث .

واما الشاهد الثاني المدعو تورتلوكوف فهذا الشاهد كان مع شخص آخر قادمين في ذلك الصباح من طريق الرمال الى هاتكفا وقال انه سمع صوت طلق نارى وسأل رفيقه ما اذا كان هناك من يطلق النار ف اشار اليه رفيقه عن شخص عربي كان يطلق النار وقال هذا الشاهد انه عندما ابتدى باطلاق النار ارتعي في خندق ورفيقه هرب وانه شاهد العرب وشاهد ليفنسون الصغير يركض لجهته وانه نظر شخصا عربيا كان قريبا من البراكات وانه هو الذى اطلق الرصاص وقال ايضا هذا الشاهد انه بتاريخ / ٢٨ / ٧ / ١٣٦٦ رآى المتهم بينما كان يتناول طعام الغداء يدخل الى مركز بوليس هاتكفا وتعرف عليه حالا وانه عندما شاهد توقف عن طعامه وذهب لمخفر البوليس واخبره عن القاتل ان هناك تناقضا بسيطا بين شهادته وشهادة شيف وما يجب ذكره ان هذا الشاهد

Fact .

No business of C.A. to go into facts.

Whether evidence on record ~~but could~~
reasonably come to the conclusion they did

believe frame up

Question of credibility. —

mistake
frame up }
one
man ^{five}
miles away]

No explanation
as to Mueschke

Mistakes: 180 ^{was}
map

Starkman, not
~~the~~ ~~closest~~ not
nearest to acc
than ~~Starkman~~

See [most]: page 3:

"nearer to a road"

This is a clear mistake:

(a) See his police statement: Exh. F.

after 3d shot, assailant ran away

(b) not likely that he would come nearer,

(c) He ran on road: could not

be nearer: See map:

nearest distance: 180^{ms.}, not 60^{ms.}

It is not in any better position that Turkin
both cannot corroborate.

trial: Arch. 220

Power to recall: 1 Arch. 505

" " " 515

Halsbury, vol. 1x, p. 170, note(a)

R v Harris, (1927) 2 K.B. 587

cr. A. 96/
27

distances. —

sec. 36

sec. 42.

No necessity

Advocate not present

Two witnesses

١
لصبيكف عم مدح الجرم لأنه ما ورد منه لآفات فرامضة
تجابه جذا ولأجل أنه يتبعه المسافة به الكفر
والخفة وموقف الظاهر للآفات تلصيقه لآفات
التي تليها المسافات وهذا يتب الكذب

٢
لم يتبعه نوع الرصد الذي أصاب كحد واحد من المفرد
لأنه من المحتمل أنه يكون الرصد الذي أصابهم هو
خلاف الرصد الذي أصاب الأخر

٣
السيرة عن صفة خوف الله الخي ولكنهم فكلوا
لهذا الله وما دام أنه هكذا به شبه فلو
يقال جذا أنه هذا الله الذي هو العز

٤
السرور بعد ما قالوا أنا وهذا أنا الحادثة وصافنا
أذ دارك اليولي دأبنا لهم الحادثة فلم يأخذهم

اليولي اسماء هو والسرور أذ دارك ومعنى هذا أنه
السرور سرور تلصيقه كذب لأنه لا يقدر أن يكونوا
سرور عيانه ولم يأخذ اليولي أفا دهم فورا
فقولهم أنه ليولي لم يأخذ أفا دهم حتى ولا سائرهم
لذلك قاطع علم أنهم استخفوا به باب ثم التدارك
التخفيف جري به تدعب ولم يذفرا اللههم لرد
مره ولكنهم عرفوه لكان مره وهذا ما يتبعه
اللههم أنهم نظروا فرادكة اليولي عند ما
به اليولي لولا المستضيف لادكة اليولي



NOTE: This map was made by the Survey of the R. M. V.

18



NOTES
1880
C. W.

$$(82) \text{ Cr. As. } \frac{47}{29} \text{ I-9}$$

$$(83) \text{ Cr. A. } \frac{68}{29} \text{ I } 30$$

~~$$(85) = \frac{218}{34} \text{ C. Cass. } \text{Det Jaffa.}$$~~

MURDER

L.P. 500 REWARD.

An award of L.P. 500 will be paid by the Government of Palestine to any person giving information which leads directly to the apprehension of the person or persons guilty of each of the following murder cases:-

JERUSALEM DISTRICT.

1. Rubin Klapholtz,
2. Alter Cohen,
3. Itzhak Yalovsky,
4. Alexander Polansky,
5. Dr. Zvi Shabchovsky,
6. Feivel Shnitzer,
7. Jacob Rasili,
8. Franz Burchardt,
9. Jerucham Kalentarov,
10. Khalil Ibrahim Hawamni,
11. Mahmud Abdul Basset,
12. Karl Breitingner,
13. R. A. Bird,

- Jew, killed in the Old City, Jerusalem on 13th May, 1936.
 .. killed in the Old City, Jerusalem on 13th May, 1936.
 .. killed in Zichron Moshe, Jerusalem on 16th May, 1936.
 .. killed in Zichron Moshe, Jerusalem on 16th May, 1936.
 .. killed in Zichron Moshe, Jerusalem on 16th May, 1936.
 .. killed in the Old City, Jerusalem on 19th May, 1936.
 .. killed near the Hebrew University, Jerusalem on 24th May, 1936.
 .. killed near Givat Shaul, Jerusalem on 31st May, 1936.
 .. killed in a bus at kilo 11, Jerusalem-Jaffa Road on 1st June, 1936.
 Arab, killed near Givat Shaul, Jerusalem on 12th May, 1936.
 .. killed in the Old City, Jerusalem on 14th May, 1936.
 Austrian Christian, killed in the Street of the Prophets, Jerusalem on 18th May, 1936.
 British Police Constable, killed in the Old City, Jerusalem, on 28th May, 1936.

SOUTHERN DISTRICT.

14. Josef Leib Liberman,
15. David Shambudol,
16. Haim Cornfield,
17. Shmayahu Kramer,
18. Joseph Haim Zelikoff,
19. Shalom Chadad,
20. Avigdor Kupermintz,
21. Itzhak Frankel,
22. Mordechai Friedman,
23. Haim Pshigoda,
24. Tuvia Prussak,
25. Daniel Ben Mordechai,
26. Selig Levinson,
27. Shlomo Morisson,
28. Simcha Simantov,
29. Hussein El Masri,

- Jew, killed in Botmi Street, Jaffa, on 19th April, 1936.
 .. killed in Salahi Street, Jaffa, on 19th April, 1936.
 .. killed in King George's Ave. Jaffa, on 19th April, 1936.
 .. killed in Hassan Bey Road, Jaffa, on 19th April, 1936.
 .. killed on the Jerusalem-Jaffa Road, on 19th April, 1936.
 .. killed in King Feisal's Ave. Jaffa, on 19th April, 1936.
 .. killed in King George's Ave. Jaffa, on 19th April, 1936.
 .. killed in King George's Ave. Jaffa, on 19th April, 1936.
 .. killed in Jaffa, on 19th April, 1936.
 .. killed in Zarafieh Street, Jaffa, on 20th April, 1936.
 .. killed in Ajami Quarter, Jaffa, on 20th April, 1936.
 .. killed in Hassan Bey Road, Jaffa, on 20th April, 1936.
 .. killed in Hatikvah Colony, on 20th April, 1936.
 .. killed in Hatikvah Colony, on 20th April, 1936.
 .. killed in Menshie Quarter, Jaffa, on 24th April, 1936.
 Arab, killed in Menshie Quarter, Jaffa, on 20th April, 1936.

R. G. B. SPICER
INSPECTOR-GENERAL.

Dated at Jerusalem
this 8th day of June, 1936.

قوة بوليس فلسطين

قتل

مكافأة قدرها ٥٠٠ جنيه فلسطيني

تدفع حكومة فلسطين مكافأة وقدرها ٥٠٠ جنيه فلسطيني لأي شخص يعطي أخباراً ترشد مباشرة لالقاء القبض على الشخص أو الأشخاص المذنبين في كل من حوادث القتل التالية :-

لواء القدس

- ١ رابين خلافتس ،
- ٢ آلتر كوهين ،
- ٣ اسحق يالوفسكي ،
- ٤ الكسندر بولنسكي ،
- ٥ دكتور تسفي شيشوفسكي ،
- ٦ فيفل شتسر ،
- ٧ يعقوب راسيلي ،
- ٨ فرنس بورخاردت ،
- ٩ يروخام كالتروف ،
- ١٠ خليل أبراهيم هوامنه ،
- ١١ محمود عبد الباسط ،
- ١٢ كارل برايندكر نساوي ،
- ١٣ ر. ا. بيرد بوليس انكليزي ،
- ١٤ يوسف ليب ليبرمن ،
- ١٥ دافيد شامبودول ،
- ١٦ حليم كورنفلد ،
- ١٧ شيباهو كرامر ،
- ١٨ يوسف حليم زيلكوف ،
- ١٩ شالوم خداد ،
- ٢٠ افكيدور كورمنتس ،
- ٢١ اسحق فرانكل ،
- ٢٢ مردخاي فريدمان ،
- ٢٣ حليم بشيغودا ،
- ٢٤ طوبيا بروساك ،
- ٢٥ دانيال بن مردخاي ،
- ٢٦ زيلغ ليفنسون ،
- ٢٧ شلومو موريسون ،
- ٢٨ سمحاسيانطوف ،
- ٢٩ حسين المصري ،

اللواء الجنوبي

- يهودي ، قتل في المدينة القديمة القدس في ١٣ مايس سنة ١٩٣٦
 يهودي ، قتل في المدينة القديمة القدس في ١٣ مايس سنة ١٩٣٦
 يهودي ، قتل في زخرون موشه القدس في ١٦ مايس سنة ١٩٣٦
 يهودي ، قتل في زخرون موشه القدس في ١٦ مايس سنة ١٩٣٦
 يهودي ، قتل في زخرون موشه القدس في ١٦ مايس سنة ١٩٣٦
 يهودي ، قتل في المدينة القديمة القدس في ١٩ مايس سنة ١٩٣٦
 يهودي ، قتل قرب الجامعة العبرية القدس في ٢٤ مايس سنة ١٩٣٦
 يهودي ، قتل قرب جيمات شاول القدس في ٢٦ مايس سنة ١٩٣٦
 يهودي ، قتل في الباس عند كيلو ١١ طريق القدس — يافا في ١ حزيران سنة ١٩٣٦
 عربي ، قتل قرب جيمات شاول القدس في ١٢ مايس سنة ١٩٣٦
 عربي ، قتل في المدينة القديمة القدس في ١٤ مايس سنة ١٩٣٦
 مسيحي ، قتل في شارع الانبياء القدس في ١٨ مايس سنة ١٩٣٦
 قتل في المدينة القديمة القدس في ٢٨ مايس سنة ١٩٣٦
 يهودي ، قتل في شارع البطمة يافا في ١٩ ابريل سنة ١٩٣٦
 يهودي ، قتل في شارع الصلاحي يافا في ١٩ ابريل سنة ١٩٣٦
 يهودي ، قتل في شارع الملك جورج يافا في ١٩ ابريل سنة ١٩٣٦
 يهودي ، قتل في طريق حسن بك يافا في ١٩ ابريل سنة ١٩٣٦
 يهودي ، قتل في طريق القدس — يافا في ١٩ ابريل سنة ١٩٣٦
 يهودي ، قتل في شارع الملك فيصل في ١٩ ابريل سنة ١٩٣٦
 يهودي ، قتل في شارع الملك جورج في ١٩ ابريل سنة ١٩٣٦
 يهودي ، قتل في شارع الملك جورج في ١٩ ابريل سنة ١٩٣٦
 يهودي ، قتل في يافا في ١٩ ابريل سنة ١٩٣٦
 يهودي ، قتل شارع السافريه يافا في ١٩ ابريل سنة ١٩٣٦
 يهودي ، قتل في حي المعجي يافا في ٢٠ ابريل سنة ١٩٣٦
 يهودي ، قتل في طريق حسن بك يافا في ٢٠ ابريل سنة ١٩٣٦
 يهودي ، قتل في مستعمرة هاتكفا في ٢٠ ابريل سنة ١٩٣٦
 يهودي ، قتل في مستعمرة هاتكفا في ٢٠ ابريل سنة ١٩٣٦
 يهودي ، قتل في حي المنشي يافا في ٢٤ ابريل سنة ١٩٣٦
 عربي ، قتل في حي المنشي يافا في ٢٠ ابريل سنة ١٩٣٦

ر. ج. ب. سبيسر
مدير الامن العام

القدس في ٨ حزيران سنة ١٩٣٦

משטרת פלשתינה (א"י).

רצח

גמול של 500 פונטים.

גמול של 500 פונטים ישולם ע"י ממשלת פלשתינה (א"י) לכל בן אדם אשר ימסור ידיעות שתובלנה באופן ישר למאסר האיש או האנשים האשמים בכל אחד ממקרה הרצח דלקמן:-

במחוז ירושלים

- יהודי נרצח בעיר העתיקה בירושלים ביום 13 במאי 1936
 " נרצח בעיר העתיקה בירושלים ביום 13 במאי 1936
 " נרצח בזכרון משה בירושלים ביום 16 במאי 1936
 " נרצח בזכרון משה בירושלים ביום 16 במאי 1936
 " נרצח בזכרון משה בירושלים ביום 16 במאי 1936
 " נרצח בעיר העתיקה בירושלים ביום 19 במאי 1936
 " נרצח ע"י האוניברסיטה העברית בירושלים ביום 24 במאי 1936
 " נרצח ע"י גבעת שאול בירושלים ביום 31 במאי 1936
 " נרצח בדרך ירושלים יפו בקיל 11, במכונות, ביום 1 ביוני 1936
 " ערבי נרצח ע"י גבעת שאול בירושלים ביום 17 במאי 1936
 " נרצח בעיר העתיקה בירושלים ביום 14 במאי 1936
 " נוצרי-אוסטרי נרצח ברחוב הנביאים בירושלים ביום 18 במאי 1936
 " שוטר בריטי נרצח בעיר העתיקה בירושלים ביום 28 במאי 1936
 " יהודי נרצח ברחוב בוטמי ביפו ביום 19 באפריל 1936
 " " נרצח ברחוב סלחי ביפו ביום 19 באפריל 1936
 " " נרצח ברחוב המלך ג'ורג' ביפו ביום 19 באפריל 1936
 " " נרצח ברחוב חסן ביי ביפו ביום 19 באפריל 1936
 " " נרצח בכביש ירושלים-יפו ביום 19 באפריל 1936
 " " נרצח ברחוב המלך פיזל ביפו ביום 19 באפריל 1936
 " " נרצח ברחוב המלך ג'ורג' ביפו ביום 19 באפריל 1936
 " " נרצח ברחוב המלך ג'ורג' ביפו ביום 19 באפריל 1936
 " " נרצח ביפו ביום 19 באפריל 1936
 " " נרצח ברחוב זרפיה ביפו ביום 19 באפריל 1936
 " " נרצח בשכונת אנכי ביפו ביום 20 באפריל 1936
 " " נרצח ברחוב חסן ביי ביפו ביום 20 באפריל 1936
 " " נרצח בשכונת התקוה ביום 20 באפריל 1936
 " " נרצח בשכונת התקוה ביום 20 באפריל 1936
 " " נרצח ברחוב נוה שלום ביפו ביום 24 באפריל 1936
 " " ערבי נרצח ברחוב נוה שלום ביפו ביום 20 באפריל 1136

1. ראובן קלפהולץ
2. אלטר כהן
3. יצחק ילובסקי
4. אלכסנדר פולנסקי
5. ד"ר צבי שבחובנסקי
6. פיבל שניצר
7. יעקב רזילי
8. פרנץ בורכרדט
9. ירוכם קולונטרוב
10. חליל איברהים חמו
11. מוחמד עבדל בסט
12. קרל ברטינגר
13. ר. א. בירד
14. יוסף ליב ליברמן
15. דוד שמבדול
16. חיים קורנפלד
17. שמריהו קרמר
18. יוסף חיים זליקוב
19. שלום חדאד
20. אביגדור קופרמינץ
21. יצחק פרנקל
22. מרדכי פרידמן
23. חיים פשיגודה
24. טוביה פרוסק
25. דניאל בן מרדכי
26. זליג לבינסון
27. שלמה מוריסון
28. שמחה סימנטוב
29. חוסין אל מצרי

במחוז הדרום

ירושלים,
8 ביוני, 1936.

(חותם) ר. ג. ב. ספיר
המפקח הכללי.